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THE STATE OF OHIO.

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General and Local Laws

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-SECOND GENERAL ASSEMBLY,

AT THE ADJOURNED SESSION,

HELD IN THE CITY OF COLUMBUS, COMMENCING TUESDAY, JANUARY 2, 1877.

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VOLUME LXXIV.

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COLUMBUS:  
NEVINS & MYERS, STATE PRINTERS.  
1877.





# GENERAL LAWS.

## AN ACT

Making appropriations for deficiencies and partial appropriations for the year 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated, out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to wit:

For Adjutant General:

Salary, five hundred dollars.

Salaries of clerks, eleven hundred and twenty-five dollars.

Care of state arms, three hundred dollars.

Contingent expenses, three hundred dollars.

Deficiency in contingent expenses, one hundred and fifty dollars.

Expenses of batteries, (section 16, act of 1874,) two hundred dollars.

For Attorney General:

Salary of clerk, one hundred and fifty dollars.

Contingent expenses, fifty dollars.

For Auditor of State:

Salaries of clerks, three thousand dollars.

Contingent expenses, six hundred and twenty-five dollars.

For Board of Public Works:

Attorney's fees and incidental expenses, seventy-five dollars.

Salaries of members of board, six hundred dollars.

Salaries of resident engineers, nine hundred dollars.

Salary of secretary, three hundred and seventy-five dollars.

For Commission to Revise and Consolidate the Laws:

Salaries of commissioners, twenty-seven hundred and thirty-seven dollars and fifty cents.

Salaries of clerks, fourteen hundred and sixty dollars.

Contingent expenses, one hundred dollars.

For Commission to aid the Supreme Court:

Salaries of members, deficiency, five hundred and ninety-eight dollars and sixty-four cents.

Salaries of members, three thousand seven hundred and fifty dollars.

Salary of assistant clerk, deficiency, fifty dollars.

Salary of assistant clerk, three hundred dollars.

Contingent expenses of clerk, deficiency, fifty dollars.

Contingent expenses of clerk, fifty dollars.

Adjutant  
general.

State arms,  
etc.

Attorney  
general.

Auditor of  
state.

Board of  
public  
works.

Commission  
to consol-  
idate stat-  
utes.

Supreme  
court com-  
mission.

	Contingent expenses of commission, seventy-five dollars.
	Messenger and attendance, deficiency, three hundred and seventy-five dollars.
	Messenger and attendance, three hundred dollars..
School commissioner.	For Commissioner of Common Schools:
	Salaries of clerks, eight hundred and seventy-five dollars.
	Contingent expenses, one hundred and seventy five dollars.
	Traveling expenses, deficiency, one hundred dollars.
	Traveling expenses, one hundred and fifty dollars.
Commissioner of railroads and telegraphs.	For Commissioner of Railroads and Telegraphs:
Commissioner of fisheries.	Salaries of clerks, six hundred and fifty dollars.
	Contingent expenses, one hundred and twenty-five dollars.
Governor's office.	For Commissioner of Fisheries:
	Expenses, one thousand dollars.
	For Governor:
	Contingent expenses, three hundred and seventy-five dollars.
	Salary of executive clerk, three hundred and seventy-five dollars.
	Expenses of repairing the furniture, painting and varnishing the walls, buying new carpet and renovating the pictures in the portrait room, and services of the artist in superintending the same, five hundred and fifty dollars.
Insurance department.	For Insurance Department:
	Salaries of clerks, fifteen hundred dollars.
	Contingent expenses, two hundred dollars.
Salaries of judges.	For the Judiciary:
	For salaries of supreme judges, superior judges, and common pleas judges, forty-one thousand one hundred and twenty-five dollars.
Legislature; per diem and mileage of members and officers.	For the Legislature:
	Per diem and mileage of the members of the general assembly, and the per diem of their clerks, assistant clerks, sergeants-at-arms, assistant sergeants at arms, messengers, pages, and other employes under the laws and resolutions of the senate and house, forty-five thousand dollars, for deficiency.
	For the per diem and mileage of the members of the general assembly, and the per diem of their clerks, assistant clerks, sergeants-at-arms, assistant sergeants at arms, messengers, pages, and other employes under the laws and resolutions of the senate and house, thirty-five thousand dollars.
	For the expenses of the standing and select committees of both branches of the general assembly, one thousand dollars, to be paid on the order of the chairman of the respective committees, and indorsed by the chairman of the committee on claims of the respective houses.
	For contingent expenses, five hundred dollars.
Law library.	For Law Library:
	For books, two hundred and fifty dollars.
	Salary of assistant librarian, two hundred and fifty dollars.
	Contingent expenses of commission, deficiency, two hundred dollars.

**For State Library :****State library.**

For books, five hundred dollars.

Salary of assistant librarian, two hundred and fifty dollars.

Contingent expenses, one hundred and twenty-five dollars.

**For Inspector of Mines :****Inspector of  
mines.**

For salary, five hundred dollars.

Contingent expenses, deficiency, two hundred and fifty dollars.

Contingent expenses, two hundred and fifty dollars.

**For Secretary of State :****Secretary of  
state; sala-  
ries, station-  
ery, etc.**

Salaries of clerks, deficiency, seventy-nine dollars.

Salaries of clerks, two thousand and one hundred dollars.

Contingent expenses, three hundred dollars.

Distribution of laws and journals, deficiency, five hundred dollars.

Distribution of laws and journals, seven hundred dollars.

Stationery for legislature and state officers, deficiency, twelve thousand and five hundred dollars.

Stationery for the legislature and state officers, fifteen thousand dollars.

**For Supervisor of Public Printing :****Supervisor of  
public print-  
ing; state  
printing and  
binding.**

Contingent expenses, one hundred dollars.

State printing, deficiency, eight thousand dollars.

State printing, fifteen thousand dollars.

For state binding, five thousand dollars.

**For Supreme Court :****Supreme  
court; sala-  
ries and de-  
ficiencies.**

Contingent expenses, deficiency, two hundred dollars.

Contingent expenses, one hundred dollars.

Salary of assistant clerk, deficiency, seventy-five dollars.

Salary of assistant clerk, three hundred and seventy-five dollars.

Contingent expenses of clerk, seventy-five dollars.

Salary of reporter, deficiency, twenty-seven dollars and eighteen cents.

Salary of reporter, four hundred and fifty dollars.

Contingent expenses of reporter, deficiency, one hundred and fifty dollars.

Contingent expenses of reporter, fifty dollars.

**For State House :****State house ;  
employés,  
heating ap-  
paratus, etc.**

Repairing roof and terrace, fifty dollars, for deficiency.

For repairing roof and terrace, one hundred and twenty-five dollars.

Care of house and grounds, deficiency, four hundred dollars.

Care of house and grounds, seven hundred and fifty dollars.

Wages of employés, deficiency, three hundred dollars.

Wages of employés, one thousand six hundred and twenty-five dollars.

Fuel, eight hundred and seventy-five dollars.

Heating apparatus, deficiency, two hundred and fifty dollars.

Heating apparatus, five hundred dollars.

Policeman, one hundred and eighty dollars.

	Water rent, deficiency, twenty-seven dollars.
	Water rent, ninety dollars.
	Carpets for senate and house, deficiency, three hundred and ten dollars and sixty-nine cents.
	Sky-light improvement, deficiency, two thousand two hundred and eight dollars.
	Covering diagonal walks with asphalt, deficiency, one thousand one hundred and thirty-six dollars and fifty cents.
	Drapery and ornamentation of the presiding chairs of the two houses, four hundred and six dollars and sixty-nine cents.
	For electrical apparatus for lighting the hall of the house, two hundred and fifty dollars.
State officers; salaries and contingencies.	For State Officers:
	Salaries, seven thousand eight hundred and fifty dollars.
	For Treasurer of State:
	Salaries of clerks, one thousand and three hundred dollars.
	Contingent expenses, deficiency, one hundred and fifty dollars.
	Contingent expenses, two hundred dollars.
	Night watch, four hundred dollars.
Clerk of the house.	For Clerk of the House:
	Expenses of taking care of office room, incidental expenses and postage, during late adjournment, seventy-one dollars and fifty cents.

## ASYLUM FUND.

Asylums.	SEC. 2. That there be and hereby is appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated, the following sums, to wit:
Athens hospital for insane.	For the Athens Hospital for the Insane:
	For current expenses, deficiency, nineteen thousand dollars.
	For current expenses, twenty-nine thousand dollars.
Columbus hospital for insane.	Salaries of officers, nine hundred and fifty dollars.
	For the Columbus Hospital for the Insane:
	For furniture, kitchen utensils, laundry, and other necessary furniture for the entire building, eighty thousand dollars.
Drains, etc.	For payment of existing contracts to be finished by March 1st, 1877, and other necessary work not contracted for, which should be done by March 1st, 1877, fifty thousand dollars; and the word "drains" contained in section two of the general appropriation act of April 11, 1876, under the head of "For Central Ohio Hospital for the Insane," shall be construed to include any machinery and apparatus, including water supply, deemed necessary for the efficient use and operation of the drains contemplated.
	For salaries of officers, deficiency, five hundred dollars.
	For current expenses, deficiency, five thousand dollars.
Salaries.	For current expenses, nine thousand dollars.
Cleveland hospital for insane.	For Cleveland Hospital for the Insane:
	For current expenses, twenty-nine thousand dollars.
	For salaries of officers, eleven hundred and twenty-five dollars.

Ordinary repairs, deficiency, one thousand dollars.	
Ordinary repairs, one thousand dollars.	
For Dayton Hospital for the Insane:	Dayton hos- pital for in- sane.
For current expenses, deficiency, fifteen thousand dollars.	
For current expenses, thirty thousand dollars.	
For officers' salaries, eleven hundred and twenty-five dol- lars.	
Ordinary repairs, deficiency, one thousand dollars.	
Ordinary repairs, one thousand dollars.	
Constructing sewer, deficiency, two thousand one hundred and twelve dollars.	
For Longview Lunatic Asylum:	Longview hospital for insane.
For the support of colored insane, in accordance with the terms of agreement with the state, twelve hundred dollars.	
For Lucas County Insane Asylum:	Lucas county insane asy- lum.
To support patients under the contract made in pursuance of a joint resolution passed April 27, 1872, six thousand three hundred and eight dollars.	
For same purpose, for deficiency, one hundred and thirty- seven dollars and nineteen cents.	
For the Asylum for the Blind:	Blind asy- lum.
For current expenses, eight thousand five hundred dollars.	
Salaries of officers and teachers, deficiency, seven hundred and fifty dollars.	
Salaries of officers and teachers, thirty-five hundred dollars.	
For the Asylum for the Deaf and Dumb:	Deaf and dumb asy- lum.
Current expenses, sixteen thousand dollars.	
Salaries of officers and teachers, deficiency, two hundred and twenty-one dollars and twenty-eight cents.	
Salaries of officers and teachers, five thousand two hundred and fifty dollars.	Salaries and repairs.
For repairs, one thousand dollars.	
For printing department, six hundred dollars.	Printing de- partment.
For Asylum for Imbecile Youth:	Imbecile asy- lum.
For salaries, deficiency, sixty-five dollars and forty-four cents.	
For salaries, three thousand dollars.	Salaries, re- pairs, etc.
For general expenses, eighteen thousand dollars.	
For repairs, twelve hundred and fifty dollars.	
For iron smoke-stack in ventilating shaft, eighteen hun- dred and sixty dollars.	
For removing boilers and machinery to new boiler-house, three thousand eight hundred and thirty-two dollars and forty-seven cents.	
For Ohio Soldiers' and Sailors' Orphans' Home:	Soldiers' and sailors' or- phans' home.
For current expenses, deficiency, twenty thousand dollars.	
For current expenses, fifteen thousand dollars.	
For salaries, four thousand dollars.	
For ordinary repairs, deficiency, fifteen hundred dollars.	
For establishing and maintaining industrial pursuits, one thousand dollars.	Repairs, de- ficiency, etc.
For live stock, two hundred dollars.	



- For trees and grading, five hundred dollars.  
 For pipe, hose, and fire-plug, deficiency, five hundred dollars.
- Outside patients. For support of soldiers' and sailors' orphans outside of home at Xenia, as provided by section ten of the act to establish the Ohio soldiers' and sailors' orphans' home, passed April 14, 1870, deficiency, three thousand five hundred dollars; for the support of the same orphans, eighteen hundred dollars.
- Ohio penitentiary. For Ohio Penitentiary:  
 Provisions and current expenses, deficiency, nine thousand dollars.  
 Provisions and current expenses, thirty-five thousand dollars.
- Salaries, provisions, repairs, etc. Salaries of warden and other officers and guards, deficiency, ten thousand dollars.  
 Salaries of warden and other officers and guards, thirty thousand dollars.  
 For manufacture of gas, deficiency, two thousand dollars.  
 For manufacture of gas, three thousand dollars.  
 For rewards to convicts, twenty-five hundred dollars.  
 For enlargement and repairs, six thousand dollars.  
 Prosecution and transportation of convicts, deficiency, forty thousand dollars.  
 Prosecution and transportation of convicts, thirty thousand dollars.
- Boys reform school. For State Reform School for Boys:  
 Current expenses, deficiency, five thousand dollars.  
 Current expenses, fifteen thousand dollars.  
 Salaries, deficiency, two thousand dollars.  
 Salaries, four thousand dollars.
- Salaries, repairs, etc. Ordinary repairs, deficiency, one thousand dollars.  
 Ordinary repairs, one thousand dollars.
- Girls' industrial school. For Industrial School for Girls:  
 For current expenses, six thousand one hundred and seventy-eight dollars and sixty-three cents.  
 For salaries, eighteen hundred and seventeen dollars and ninety cents.  
 For expenses of the Trustees of Benevolent Institutions, six hundred dollars.  
 For expenses of Secretary and Board of State Charities, seven hundred and fifty dollars.
- SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 11, 1877.

## AN ACT

Empowering the council of any city of the first-class, with a population of less than one hundred and fifty thousand, and greater than ninety thousand inhabitants, at the last federal census, to lease lands for park purposes, and for the improvement of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the first-class, with a population of less than one hundred and fifty thousand, and greater than ninety thousand inhabitants, at the last federal census, shall have power to lease, rent, or otherwise hold any lots or lands abutting upon, contiguous, or adjacent to, any park or public grounds, for the purpose of extending and enlarging such park or public grounds; and that the commissioners of such park or public grounds are hereby authorized and empowered to take charge of, improve, embellish, and protect the lots or lands so leased, rented, or held, in the same manner, and subject to the same authority, as they do the park or public grounds of which they are the commissioners.

Authorizing certain cities to lease, rent, or hold land for park purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Passed January 26, 1877.

## AN ACT

To amend an act entitled "An act to amend section three of an act prescribing the rate of taxation for county, bridge, road, and township purposes," passed May 1, 1871 (O. L., vol. 68, p. 117), and to amend an act entitled "An act prescribing the rate of taxation for county, bridge, road, and township purposes," passed April 26, 1872, (O. L., vol. 69, p. 113), passed April 3, 1876 (O. L., vol. 73, p. 149).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be amended to read as follows:

Section 3. The county commissioners of any county in this state shall not levy any tax, or appropriate any money, for the purpose of building public county buildings, purchasing sites therefor, or for lands for infirmary purposes, or for building any bridge, except in case of casualty, or such bridge or bridges as shall be deemed unsafe for public travel by the county commissioners, as provided for in section two of said act, the expenses of which shall exceed ten thousand dollars, without first submitting to the qualified voters of said county the question as to the policy of building any public county building or buildings, or for purchasing sites therefor, or for the purchase of lands for infirmary purposes, by general tax, which said submission shall be made at the

Limitation of taxation.

Submission to vote of electors.

Notice of  
election, and  
how given.

On petition  
of tax-payers  
vote may be  
taken again.

Proviso.

annual fall election in October, A.D. 1877, or any annual fall election thereafter; each proposition shall be separately submitted, and printed tickets shall be provided by the said county commissioners, on which shall be printed, for ——— tax, Yes; which blank shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election of state and county officers. It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted as aforesaid, on the day of the annual fall election, A.D. 1877, or at any fall election thereafter, to open a poll for taking such votes, and to receive and count the ballots cast, and, within three days thereafter, to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall, in all respects, be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury, on the order of the auditor, and the poll-books so returned shall, within five days from the holding such election, be opened, and the votes counted by the commissioners and auditor of the county, a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection. If the majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred tax-payers of said county, again submit the same question, at any regular annual fall election, under the same rules and regulations as before provided; if, at any such election, a majority shall be in favor of the improvements as aforesaid, then the commissioners shall be authorized to proceed to levy the tax as provided for in this section, and for the purpose of said improvement: provided, that nothing in this act shall apply to the construction of any public building or bridge commenced or contracted for prior to the passage of this act, or for which the commissioners of any county have in fact purchased the ground or acquired the material for the same, or have been and are now proceeding, with all convenient dispatch, to construct; and in every such case the acts of the commissioners of any county, in levying taxes and issuing the bonds of the county, and in appropriating money for the constructing and completion of such building or buildings, shall be as lawful and binding as if neither this act nor any of the acts to which this is amendatory had been passed: and, provided further, that the provisions herein contained shall not be construed to authorize the commissioners of any county in this state to construct any new bridge on any new site, costing more than ten thousand dollars, without first submitting to the qualified voters of the said county the question as to the policy of build-

ing such new bridge or bridges, at the time or times, and in the manner and form specified in this section.

SEC. 2. That said section three of the aforesaid act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 31st, 1877.

#### AN ACT

To amend section two of an act entitled "An act for the maintenance and support of illegitimate children, and to repeal certain acts therein named," passed April 3, 1873. (Vol. 70, p. 111, O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above entitled act be so amended as to read as follows :

Section 2. On the return of such warrant, the justice, in the presence of the accused person, shall examine the complainant, under oath, respecting the cause of her complaint: provided, that if either party desire it, and upon good cause shown, said justice may continue said cause for a period not to exceed ten days, upon the defendants entering into a recognizance to appear at the time fixed by said justice for the hearing of said complaint, with sufficient security, in a sum not less than three hundred nor more than six hundred dollars, for the benefit of the township in which such bastard child shall be born, to answer such complaint, and abide the order of said justice; and such accused person shall be allowed to ask the complainant, when under oath, any question he may think necessary for his justification; all of which questions and answers shall be reduced to writing by the justice of the peace, and subscribed by the complainant; and if, on such examination, the party accused shall pay or secure to be paid to the complainant such sum or sums of money, or property, as she may agree to receive in full satisfaction, and shall further give bond, with sufficient security, to be approved by said justice, to the trustees of the township in which complainant shall reside, and their successors in office, conditioned to save such township free from all charges towards the maintenance of such child, then, and in that case, the justice shall discharge the party accused out of custody, on his paying the costs of prosecution: provided, that the agreement aforesaid shall be made or acknowledged by both parties in the presence of the justice, who shall thereupon enter a memorandum of the same upon his docket.

Proceedings  
on return of  
warrant.

Compromise  
allowable.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS. L. YOUNG,

Passed February 1st, 1877.

*President of the Senate.*

#### AN ACT

Supplementary to an act entitled "An act to regulate the election of state and county officers," passed May 3, 1852. (S. & C., p. 532.)

Contested  
election of  
state and  
county offi-  
cers now  
pending.  
Additional  
testimony.

Errors and  
omissions  
may be cor-  
rected.

Subpœnas  
for witness-  
es, books,  
papers, etc.

Punishment  
of witnesses  
for failing to  
produce pa-  
pers, etc.

Who may  
contest elec-  
tion of coun-  
ty officers;  
duty of court,  
etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That on the trial of any case of the contested election of any state or county officers now pending, or which may hereafter be pending, in any court of this state, either party may, in addition to the evidence hereafter provided to be taken and certified to said court, introduce any oral testimony, or any deposition of witnesses taken before a notary public or any other competent authority, on notice given to the opposite party, as provided for the taking of testimony in other cases according to the code of civil procedure of this state; and whenever any omission, defect, or error shall occur, or has heretofore occurred, in the proceedings of any officer or officers in declaring or certifying that any person or persons are or were duly elected to any office or offices under the laws of this state, such omissions, defect, or error may be corrected upon parol proofs or oral testimony offered at the trial, or at the hearing of any preliminary proceeding of any such case.

SEC. 2. The officer before whom depositions are taken as aforesaid, shall have power to compel the attendance of witnesses, to issue the writ of subpœna, *duces tecum*, for the production of books, papers, ballots, or things relating to said contest.

SEC. 3. Any person refusing to obey the subpœna, *duces tecum*, and to produce any books, papers, ballots, or things in his possession, or under his control, called for by the said subpœna, shall for each and every such offense be committed to the jail of the county, there to remain until he signifies his intention to produce the books, papers, ballots, or things called for in said subpœna.

SEC. 4. That the method to be pursued in contesting the election of any person declared duly elected to any county office, shall be at the instance of a candidate or elector of the proper county; and all matters relative to such contest shall be heard and determined by the court wherein such matters or anything relating to the cause is or shall be pending in the regular order of the docket of said court; unless a motion shall be made by one of the parties to such case to take

up the same, when the court shall at once hear and determine any matter relating to such contest then pending before it.

SEC. 5. That in any case now pending, or which may hereafter be pending, in any of the courts of this state, the notice of such contest or appeal shall be served or filed on or before the thirtieth day after the election out of which the contest arose.

Notice of contest to be served and filed.

SEC. 6. That section forty-two of an act entitled "An act to regulate the election of state and county officers," passed May 3, 1852, (vol. 50, O. L., p. 311,) be and the same is hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 1, 1877.

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AN ACT

To restrain the use of poison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person who shall leave or deposit any poison, or any substance containing poison, in any common, street, alley, lane, or thoroughfare, of any kind whatever, or any yard or inclosure other than the yard or inclosure occupied by such person, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not more than fifty nor less than five dollars, or imprisoned in the county jail not more than thirty nor less than five days, or both, at the discretion of the court, and shall be liable to the person injured for all damages sustained thereby.

Penalty for leaving poison in streets, etc.

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 1, 1877.

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AN ACT

Prescribing the fees of county treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county treasurer, on settlement semi-annually with the county auditor of the several counties in this



Gradation of  
county treas-  
urers' fees.

state, shall be allowed as his fees for the collection, safe keeping, and disbursement of the moneys arising from the assessment of taxes on the grand duplicate (except as otherwise provided by law), on any sum so collected not exceeding ten thousand dollars, two and five-tenths of one per cent.; on the next ten thousand dollars, or any part thereof, one and five-tenths of one per cent.; on the next ten thousand dollars, or any part thereof, one per cent.; on the next two hundred thousand dollars, or any part thereof, seven-tenths of one per cent.; and on all other and further sums, five-tenths of one per cent.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 8th, 1877.

#### AN ACT

To amend section one of an act entitled "An act for the establishment, support, and regulation of children's homes in the several counties, and children's homes district in this state, and to repeal certain acts therein named," passed and took effect March 22, 1876. (O. L., Vol. 73, p. 64.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows:

Commission-  
ers to submit  
question of  
children's  
home to vot-  
ers of county.

Section 1. That the county commissioners of any county in this state may, and they are hereby authorized, when in their opinion the interests of the public demand it, to submit the question of establishing a children's home, and the issue of county bonds or notes to provide funds for the purchase of a site, and the erection thereon of said home to the qualified electors of such county, or to the qualified electors of counties forming such district, at the next regular election, to be held at the usual place of holding elections, for ratification or approval; notice of said election to be published at least four weeks in two or more newspapers printed and of general circulation in said county, or in the counties of said district, prior to taking such vote; and if a majority of electors voting on said question in such county, or in the counties of such district, shall be in favor of establishing said home, then the commissioners of said county, or the commissioners of any two or more adjoining counties in such district, having so voted in favor thereof, shall proceed to carry out the intent and purposes of this act, and shall provide for the purchase of a suitable site and erection of the necessary buildings, to be styled "the children's home" for such county, or "children's home" for such district, and to provide means

Notice of  
election to be  
published  
four weeks.

Counties  
may join in  
establishing  
homes.

by taxation for such purchase and support of the same, and they are authorized to receive and hold in trust for the use and benefit of said "home" any grant or devise of land, and any donation or bequest of money or other personal property that may be made for the establishment or support of said home. That the commissioners of any county, for the purpose of carrying out the provisions of this act, are authorized to issue the notes or bonds of said county in anticipation of the collection of the taxes levied, or to be levied, for the purchase of a suitable site and erection of the necessary buildings, or for the purchase of a suitable site and buildings already erected thereon, as contemplated in this act, said notes or bonds to bear interest at the rate not to exceed seven per cent. per annum, interest payable semi-annually, and said notes or bonds shall not be sold for less than their par value. That all elections held under said original act shall confer authority under this amended act.

Commissioners may issue bonds in certain cases.

SEC. 2. That original section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed February 8th, 1877.

#### AN ACT

To authorize compensation to be paid members of board of equalization and their assistants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county of this state containing a city of the first class, having a population exceeding two hundred thousand inhabitants, where the members of the board of equalization for such city, and the assistants of such board, performed services in the year 1876, pursuant to the provisions of the statute relating to annual boards of equalization for cities of the first and second class of this state, and have not been paid for such services, the commissioners of such county be, and they are hereby authorized and instructed to pay all the members, except the auditor, a sum not exceeding two hundred dollars each, for their services as members of such board of equalization, and such assistants of said board as were employed by the auditor of any such county a sum not exceeding two thousand and twenty-eight dollars in the aggregate, said sums to be paid from any funds of the county not otherwise appropriated; and the auditor of the county shall draw his warrant, and the treasurer of the

Compensation of members of board of equalization in certain cities.

Aggregate not to exceed two thousand and twenty-eight dollars.

Paid on order county commissioners.

county shall pay the same, upon the order of the county commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed February 11th, 1877.

#### AN ACT

In relation to the codification of ordinances of certain cities.

Ordinances,  
etc., in cer-  
tain cities  
legal if pub-  
lished in  
book form in-  
stead of  
newspaper.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class having a population of over ninety thousand and under one hundred and fifty thousand at the last federal census, whenever ordinances shall be codified, re-arranged, and published in book form, said publication in book form shall be taken and held to be in lieu of publishing the same in a newspaper according to law, and shall be a sufficient publication to all intents and purposes, and the ordinance or several ordinances shall be held the same in law as though they had been published in a newspaper: provided, that any ordinance or section of one ordinance in which substantial change is made by such revision or codification shall be published as so changed, as in manner now provided by law.

SEC. 2. This act shall be in force from and after its pas-  
sage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed January 18th, 1877.

#### AN ACT

To authorize the filling of vacancies in the boards of trustees of townships.

Oldest jus-  
tice to ap-  
point.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any township shall, for any cause, be without a board of trustees, or for any cause there shall be a vacancy in the board of trustees of any township, it shall be the duty of the justice of the peace of such township holding the oldest commission, or in case the commission of two or more justices of the peace bear even date, then of the justice oldest in years, to appoint a suitable person or persons

having the qualifications of electors in such townships, to fill the vacancy or vacancies that have occurred or may hereafter occur in any such board of trustees, and the justice of the peace discharging said duty shall make out a certificate in writing of said appointment or appointments, and file the same with the clerk of the township in which said vacancy occurred, who shall record the same; and the person or persons thus appointed shall take the same oath or affirmation required of like officers chosen at any annual election, and shall hold their office until their successors shall be duly elected and qualified: provided, that this act shall be supplementary and subject to the act entitled "an act supplementary to an act to incorporate the original surveyed townships," passed March 14, 1831, and to repeal an act therein named.

Trustee so appointed to take oath of office.

SEC. 2. The act authorizing the filling of vacancies in the boards of trustees of townships, passed March 24, 1874, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

#### AN ACT

To amend an act entitled "An act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled 'an act providing for the disposition of unclaimed freight and express packages,'" passed April 16, 1867, passed January 26, 1875. [O. L., vol. 72, p. 17.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three and four of said act be amended so as to read as follows:

Section 3. That when any such property has been conveyed to any point in this state, and shall remain unclaimed for the space of six months at the place to which it is consigned, and the owner, whether known or unknown, fails within that time to claim such freight or other property, and to pay the proper charges, if there be any against it, then it shall be lawful for such persons, associations, or companies to sell such freight or other property, at public auction, offering each parcel separately: provided, if the owner or consignee is known or can be found in the county where such property is, and the notice has been given as provided in section one of this act, or in case the owner is unknown or is a non-resident of the county, or his place of residence is unknown, by publication for not less than ten days in some newspaper of

When property may be sold.

Notice of sale.

When suit  
may be  
brought.

Cases of sto-  
rage.

Place of sale,  
notice, etc.

general circulation in such county, and if the said charges are not paid, and the freight removed from the premises of said company within ten days from the time of service of such notice, said railroad or other company may bring suit before any court of competent jurisdiction for the amount of said freight and the legal charges thereon; and said claim, when established, shall be a lien upon the goods or merchandise so carried, and said company shall have the right to recover the amount aforesaid, with other legal charges, by public sale of such goods or merchandise: provided it shall be lawful for such railroad or other company after the expiration of ten days from the receipt of goods at the place to which they are consigned, if the owner or consignee is unknown, or if the owner or consignee is known, after the expiration of ten days from the date of giving or depositing the notice, as provided in the first section of this act, to the owner or consignee of goods thus received, and not removed as aforesaid, to charge a fair and reasonable cost for storage of the same, which shall be a lien upon the goods so stored; also after the expiration of said ten days it shall be lawful for said company to deliver said goods to any warehouseman or storage merchant at the point of destination of such goods or merchandise, or in case there be no responsible warehouseman or storage merchant at such point willing to receive such goods, then at the most convenient point where such storage can be effected, and receive from such warehouseman the freight and charges due such railroad or other company upon the same, notifying the owner or consignee of such storage, when known, in the manner provided in the first section of this act, and the advances made and all reasonable charges for storage shall be a lien upon the goods so stored.

Sec. 4. Such property shall be offered for sale in the place where the office, station, depôt, or warehouse in which the same shall have been deposited for safe-keeping is located, or may be offered for sale at any other place where such persons, associations, or companies may deem best to insure a prompt sale thereof. At least thirty days' notice of the time and place of sale, containing a descriptive list of the several articles to be sold, with names, numbers, and marks thereon, shall be given, by posting such notice at the office, station, or depôt of such person, association, or company in the county where the place to which such property was consigned is situated, or, if there be no such office, station, or depôt, by posting such notice in three public places in such county; and, in addition to the posting at the place of consignment, such descriptive list must be posted at the place where such property is sold, and thirty days' notice of the time and place of sale must be published in a newspaper of general circulation in the place where such property is to be sold. Such person, association, or company, from the proceeds of the sale of such property, shall pay all the necessary costs and expenses of the sale, and all proper charges for freight and

storage of the property sold, apportioning such expenses and charges, as near as may be, among the articles sold, to the amount received for each, and hold the overplus, if any, subject to the order of the owner thereof, at any time within one year after such sale, upon proof of ownership by affidavit of the claimant or attorney; and after the expiration of one year, all such sums unclaimed shall be paid into the state treasury, to be placed to the credit of common schools: provided, that any such articles not sold may be offered again, as above provided, until sold.

Proceeds,  
how disposed  
of.

SEC. 2. That original sections three and four be and the same are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 23, 1877.

#### AN ACT

To amend an act entitled "An act to regulate the election of state and county officers," passed May 3, 1852, (S. & C., p. 532,) amended April 12, 1870, (O. L., vol. 67, p. 47).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of the above recited act be amended as follows:

Section 6. That the judges of election, for every election precinct, at all elections holden under this act, or the acts amendatory thereof, or supplementary thereto, shall be chosen and constituted as follows:

*First*—In every township, and for the township election precinct therein, said judges shall consist of the two electors receiving at any general spring election the highest number of votes for the office of trustee, and the elector of an opposite political party receiving thereat the highest number of votes for said office of those not elected thereto, except in cases where two opposite political parties will be represented on said board by the result of such election; and excepting where all the electors receiving votes as aforesaid shall be of the same political party, then said electors chosen as trustees shall constitute the judges of election therein: provided, if, of those elected township trustees at any election, two have an equal, but not the highest, or, if the three have the same, or, if of those not so elected, two or more have the highest and an equal number of votes for said office, then, in every such event, the township clerk shall, without delay, publicly determine by lot which of said two, or which two of said three so elected, or which one of those not elected but receiving votes as aforesaid (as the case or cases may require), shall be judge or judges of said elec-

Judges of elec-  
tion; how  
chosen.



tion. If any township comprise more such precincts than one, the trustee thereof not chosen as aforesaid, shall be one of the judges of election for one such precinct, whereof the other two, as well as the judges of election for any additional township precinct, situate wholly or partly in such township, shall be chosen in the manner provided in section seven of this act. The clerk of every township shall make and preserve a record of the names of all persons, with the proper dates, chosen judges of election as aforesaid in such township.

Judges in  
wards of cities  
and villages.

Proviso

Term of ser-  
vice.

Filling vacan-  
cies, oath of  
office, etc.

*Second*—Said judges of election for each ward of any city or village divided into wards, shall consist of the two councilmen of such ward and the elector who is of an opposite political party to either or both of such councilmen receiving at the preceding April election the highest number of votes for said office of those not elected thereto: provided, if two or more electors, who are of an opposite political party to either or both of the councilmen of such ward not elected to said office, have the highest and an equal number of votes therefor, then it shall be the duty of the city or village clerk, as the case may be, on opening the returns from such ward, to determine by lot which of such electors shall be judge of election for the same, a record whereof he shall make in his minutes; and said clerk shall issue a certificate of election, as in other cases, to the person in each ward so chosen. Judges of election chosen as aforesaid, shall serve as such during one year, and until their successors are chosen and qualified as herein provided; and each, before entering upon his duties, shall take an oath or affirmation, such as is prescribed in section seven of the act to which this is amendatory.

SEC. 2. That section seven of said act be amended so as to read as follows: Section 7. That if either of the judges of the election, or clerk of any township, shall fail to attend at the time and place of holding elections, or if either of them shall be a candidate for state or county office, then it shall be the duty of the electors present to choose, *viva voce*, a suitable person or persons, as the case may require, having the qualifications of an elector, to act as judges or clerks of said election; and, in the selection of such person or persons to act as judges of election, the same limitations and restrictions shall be observed as are prescribed in section six of this act, so that two political parties shall, in all cases, have a representation on said board; and, previous to any vote being received, such judge or clerk, or any judge or clerk not being already duly sworn and qualified according to law, shall take an oath or affirmation, which may be administered by any trustee or clerk of a township, or councilman, or other person authorized to administer oaths, in the following form: "You, A. B., do solemnly swear (or affirm) that you will perform the duties of judge, or clerk of the election (as the case may be), according to law and the best of your abilities, and

that you will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same."

SEC. 3. That sections six (6) and seven (7) of the above recited act be and the same are hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Passed February 24, 1877.

#### AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any company organized under said act, or any of the amendments thereto, for the purpose of mining coal, or for the purpose of mining coal and iron ores, or where any part of the business of such company shall be the mining of coal and iron ores, may also, upon a vote of two-thirds of the capital stock of any such company, engage in the business of manufacturing iron from ores, or engage in any other branch of the manufacture of iron; provided, that before such company shall engage in such manufacture, such company, by its president, shall execute a certificate, under the corporate seal of such company, setting forth the particular branch or branches of the manufacture of iron in which it purposes to engage, and the place or places where the same or any part thereof is to be located, the same to be verified by the oath of the president of the company, and which certificate shall be acknowledged, certified, and forwarded to the secretary of state, recorded and copied, as is provided in the second section of said act, and a copy of such certificate, duly authenticated by the secretary of state, shall be forwarded by him to the recorder of every county in which such mining business and manufacturing establishment or any branch thereof having a place of doing business may be situated; and every such certificate shall be recorded by the recorder of deeds in a book provided for that purpose, in every county where such mining company and manufacturing establishment, or any branch thereof, may be located, and, when the same is done, every such company is hereby authorized to carry on the manufacture of iron named in said certificate,

Increase of  
capital of  
coal mining  
companies.

Proviso.

in addition to the business named in the original certificate of incorporation.

SEC. 2. This act shall be in force on and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Passed February 24, 1877.

#### AN ACT

To authorize the removal of drift timber, and other obstructions from the natural channel of streams, and to protect lands from overflow.

Commissioners authorized to remove drift-wood, etc., in water courses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state shall have power, whenever in their opinion the same will be conducive to the health, convenience or general welfare of the citizens of their respective counties, or upon petition of the land owner or owners of any land adjoining or adjacent to any stream or streams of water in this state, known as living streams of water, to remove, or cause to be removed, any drift-timber or other obstructions that may hinder the free passage of water in the natural channel of any such stream or streams.

Application for clearing out stream made to county auditor.

Petitioners to give bond for payment of expenses, etc.

Notice of petition to be served on interested parties.

Hearing of petition.

SEC. 2. That all applications by the owner or owners of land adjoining on or adjacent to any such stream or streams, shall be by filing with the county auditor their petition, substantially stating the necessity for such improvement, together with a sufficient bond and approved security to the acceptance of the county auditor, conditioned to pay all expenses incurred in case the county commissioners shall refuse to grant the prayer of such petition, and thereupon the county auditor shall give notice to the county commissioners of the filing and pendency of said petitions, and said commissioners shall immediately determine and designate a time and place when and where they will meet to hear said petitions and determine their proceedings thereunder; and thereupon the said petitioner or petitioners shall cause notice in writing to be given to the owner or owners of each tract of land sought to be affected by said proceedings of the filing and pendency of said petitions, which notice shall be served not less than five days before the day fixed for the hearing thereof. If any person owning lands sought to be affected by said proceedings be a non-resident of the county, a notice shall be given him by publications [publication] for two consecutive weeks in some newspaper published or of general circulation in said county.

SEC. 3. That on the day set for the hearing of said petition, if it appears to the commissioners that any person or persons who may be interested in such improvements have

not been notified as required by the provisions of this act, or that any requisite preliminary steps have not been taken, they shall adjourn to some future time, not exceeding twenty days, and shall order such notice to be given, or such preliminary steps to be taken, and a majority of said commissioners shall be competent to perform any of the requirements of this act; but if said commissioners shall find that said bond has been filed, and said notice has been given, they shall proceed to hear and determine said petition, and, if they deem it necessary, shall view the premises along said proposed improvements, and, if they find that such improvements are necessary, or will be conducive to the health, convenience or welfare of such citizens of said county, shall proceed to apportion the clearing of the natural channel of any such stream or streams in a fair and equitable manner, according to the benefits to be derived therefrom, as near as the same can be done, among the owners of lands adjoining on, or adjacent to, such stream or streams, and the said county auditor shall make a full and complete record of all such proceedings in the journal of the proceedings of the county commissioners.

May view the premises.

An equitable apportionment to be made on owners.

SEC. 4. That said county commissioners, whenever they shall order such improvement, shall divide the same in suitable sections, not less in number than the owners of land sought to be affected by the provisions of this act, and shall also prescribe the time in which the work on said improvement shall be completed and by whom done; and the said commissioners shall allow all reasonable fees, costs and expenses incurred in viewing and apportioning such improvement, to be paid out of the county fund; and whenever the commissioners shall deem the same right and just, they shall assist in the clearing of any such stream or streams, by common levy, not to exceed five-tenths of one mill on the dollar's valuation in any one year in their respective counties.

Commissioners shall prescribe the time in which work is to be done.

Commissioners in certain cases to order certain assessment to be paid.

SEC. 5. That whenever any streams of water, as described in the first section of this act, shall be in one or more counties the commissioners of each county so bounded by such stream or streams, shall meet and divide, as before specified, the clearing of such streams jointly, and shall be governed in all respects by the provisions of this act.

When streams in two or more counties.

SEC. 6. In such cases, copies of the notice and petition, as required by the second section of this act, shall be filed with the county auditor of each county in which any part of such stream or streams may be situated; and at the time of hearing of such petition, and at the time of hearing the report of the commissioners, any one or more of the commissioners of such counties may meet with the commissioners of the county in which the petition was first filed, and, when so met, shall each have the same authority to act and decide as if they were severally commissioners of such county and the board were constituted of the whole number of commissioners present.

Copy of notice to be filed with auditor of each county.

Appeal to  
probate  
court allow-  
ed.

SEC. 7. It shall be lawful for any person or persons interested in such improvement determined upon by said commissioners, to take an appeal from the proceedings of said commissioners to the probate court of the proper county, by giving written notice thereof to the auditor of such county within five days after the decision of said commissioners, and by filing with such auditor a bond, with two or more sufficient securities, conditioned to pay all costs made upon such appeal, in case the decision of said commissioners shall be sustained in said probate court, which bond shall be made to the acceptance of said county auditor and the probate judge of such county, their acceptance to be indorsed on the same, and filed by the probate judge with the other papers in the case. The county auditor shall, at the request of any person so appealing, his agent or attorney, make out and deliver to such person, his agent or attorney, a full and complete transcript, duly certified, of the proceedings had in the case, which transcript shall be filed with the probate judge of such county within ten days from the filing of such bond.

Jury to be  
impaneled  
in probate  
court.

SEC. 8. It shall be the duty of the probate judge, upon the filing of such bond and transcript, as provided for in the seventh section of this act, to impanel a jury of twelve disinterested freeholders of the county, who shall constitute a jury for such case; and said probate judge shall issue notice of such appointment, directed to the sheriff of such county, returnable on a day not exceeding thirty days therein named, which notice shall specify the time of meeting of said jury in said probate court; that it shall be the duty of the applicant to notify all persons so interested in the improvement contemplated in this act, of the time fixed by the probate court for the meeting of said jury, and if any person interested in said improvement shall reside out of the state, or can not be served in writing with such notice, said probate judge, being notified of the fact, shall cause such notice to be published for three successive weeks in some newspaper printed or of general circulation in said county; that proof of the publication of such notice shall be filed with such probate court before the meeting of such jury, together with the proof of the service of such notice in writing on all persons interested, as aforesaid, at or before the time so specified; provided, that in all cases where two or more persons shall have taken an appeal according to the preceding section of this act, the probate judge shall order the consolidation of such cases into one case, and the rights of all the parties in interest shall be investigated by the jury in the one case thus consolidated.

Proviso.

SEC. 9. That at the time specified in said notice, said probate judge shall hear and determine all questions pertaining to such cases, and shall thereupon administer an oath to said jury faithfully and impartially, and upon actual view, if so required by either party, to proceed to determine whether such improvement will be conducive to the health, conven-

ience, or welfare of the citizens of said county, and the jury shall file such report with the probate judge within five days after taking such oath, unless the court, for good cause shown, shall allow further time. If, on the hearing of the proceeding referred to above in this section, the probate judge shall find that the proceedings in appeal have not been perfected, he shall dismiss the appeal at the costs of the appellant or appellants, and certify such dismissal back to the commissioners of the proper county, who thereupon shall proceed as if no appeal had been taken; provided, that such judge may, in his discretion, order and allow the correction of any technical defect, error, or omission in making such appeal.

Powers of  
probate court  
in

SEC. 10. Upon the return of the said jury, the probate judge shall make a record of all their proceedings had in such case before him, and shall also make such order as to payment of costs in said proceedings as are provided by law in similar cases, which costs, together with those made before said commissioners, shall be divided, to be paid in fair proportion among the appellants, in conformity to the report of said jury; provided, that if the report of said jury shall not be in favor of the appellant or appellants, all costs made on such proceedings in said probate court, shall be taxed to and be paid by such appellant or appellants, and collected as judgments at law in other cases; but if two or more persons shall have appealed, and the report of said jury shall be favorable to some and against the other appellants, the probate judge shall apportion said costs equitably among all the appellants, except those in whose favor the report of the jury is made; provided, that the said jury shall be allowed two dollars each per day, together with mileage, as in other cases.

Record of  
proceedings  
to be made,  
etc.

SEC. 11. But if no appeal shall be taken, as provided for in the seventh section of this act, then it shall be the duty of said county commissioners, upon the expiration of the time specified by them for finishing said improvement, and upon being satisfied, by inspection and view, that any part of such improvement has not been completed, shall proceed to sell the same to the lowest responsible bidder, by first giving notice of such sale at least two weeks in some newspaper of general circulation in the county where such improvement is located, specifying the time when such work shall be completed, and said commissioners shall take such bond, or other security, for the performance of such work, as they may deem proper; and immediately after the sale of such unfinished improvement, as is contemplated in the third section of this act, said county commissioners shall certify to the county auditor the amount each section sold for, together with a correct description of each piece of land, and the auditor shall place the same on the duplicate, to be collected as other state and county taxes are collected. As soon as such work shall be completed in conformity with such sale, and to the satisfaction of the commissioners, said commissioners

If no appeal  
be taken.

If work not  
completed  
according to  
contract to  
be let again.

Amount due each person to be paid by auditor.

shall certify the amount due each person to the auditor of the proper county, and said auditor shall draw orders for the payment of such amount out of the county treasury; provided, that any person interested may pay the amount of the purchase money to said county commissioners, at any time before the same is charged on the duplicate, to be paid by said commissioners to the purchasers of such section or sections respectively.

Power of commissioners in keeping channel open.

SEC. 12. The county commissioners shall have the same power to keep the natural channel of any living stream or streams of water in any county in this state free and clear of all drifts, timber, or other obstructions, in the same manner as is provided in this act for clearing the same; provided, that nothing in this act shall be construed to interfere with any mill-dam or water-works already constructed, or to be constructed, on any stream or streams in this state, or the placing of flood-gates across any such stream, but such flood-gates shall be made in such manner as not to materially obstruct the passage of water in any such stream or streams.

SEC. 13. That the act passed March 4, 1869, giving the township trustees power to remove drift timber, and other obstructions from the natural channel of streams, and to protect lands from overflow, be and the same is hereby repealed.

SEC. 14. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 22, 1877.

## AN ACT

To extend the charters of societies for savings.

Charter for savings, etc., may continue after expiration of charter in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That "societies for savings" and "savings societies," now doing business, whose charters are subject to alteration or repeal, may continue their business under their respective charters, after the expiration thereof, subject, however, to the repeal of any such charter and to such amendments, alterations, rules, and regulations as may be prescribed, from time to time, by any laws of the state.

To have a surplus fund of five per cent., etc., of amount of deposits—before dividends declared.

SEC. 2. That before any dividend or interest on deposits shall be paid, it shall be the duty of such societies to have a surplus fund equal to not less than five percentum of the whole amount of deposits; and it is made the duty of such societies to gradually increase such surplus fund to an amount equal to ten percentum of the amount of deposits.

SEC. 3. That it shall be the duty of the president and treasurer of each and every society to make during the month of June, annually, in writing, to the auditor of state, an accurate statement of the financial affairs of said societies, and the auditor of state shall cause the same to be investigated and examined by two suitable persons, appointed by said auditor of state, who shall, within a reasonable time, report to said auditor of state the result of said investigation and examination, with such suggestions as to them may seem right and proper. The report of the president and treasurer, with the report of the examiners or such portion of the same as the auditor of state may deem advisable, shall be published in some newspaper printed and having general circulation within the county as directed by the auditor of state. The auditor of state shall allow said examiners a reasonable compensation for their services, and such compensation with the cost of publication shall be paid by said societies.

Statement of condition to be made to auditor of state, who shall order investigation.

Same to be published.

Compensation of examiners.

SEC. 4. That this act shall take effect from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 15, 1877.

#### AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852 [S. & S., vol. 1, p. 276], and re-enacted by section three of an "Act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861. [S. & S., p. 134.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act, passed May 1, 1852, be amended so as to read as follows:

Section 3. That sections five, six, seven, eight, and fourteen of an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, A.D. 1852, are adopted and made to be a part of this act: provided, that where the words "action of debt" are used in said act, the same shall be taken and construed to be civil action; and that where public notice is required to be given, the same shall be by publication in a newspaper published in the city, town, or village where the street railroad, or one part and terminus thereof, shall be located; and that such companies may borrow money at a rate of interest not exceeding eight per cent. per annum, and may execute a deed of mortgage, or other instrument of writ-

Action of debt and public notice required.

Companies may borrow money, etc.



ing, to secure the payment of the loan of money so made, or the notes, bonds, or other evidences of indebtedness, that may be so issued therefor, which said mortgage or other instrument of writing, may include the personal as well as the real property, and the franchises, including the franchise of being a corporation, of said company. Said mortgage, or other instrument of writing, shall be recorded in the office of the recorder of the county in which said railroad is located.

Books to be  
opened for  
subscription.

SEC. 2. That the persons named in said certificate of incorporation, or any three of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company, at such time or times, and at such place or places, as they may deem expedient, after having given at least thirty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time or place of opening books; and so soon as ten per centum on the capital stock shall be subscribed, they may give like notice for the stockholders to meet, at such time and place as they may designate, for the purpose of choosing not less than three nor more than seven directors, as may be determined by the stockholders of said company, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified. At the time and place appointed, the directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy. Each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election of directors, no person shall vote on any share on which any installment is due and unpaid.

Stockholders  
meeting to  
elect directors.

Inspectors of  
election.

The persons named in such certificate, or such of them as may be present, shall be inspectors of such election, and certify what persons are elected directors, and appoint the time and place for holding their first meeting. A majority of said directors shall form a board and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath or affirmation faithfully to discharge his duties; and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

SEC. 3. That said section three be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem of the Senate.*

Passed February 21st, 1877.

#### AN ACT

Appropriating money to increase the capacity for gas manufacturing at the Ohio penitentiary, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated, the sum of eighteen thousand dollars, for the construction of additional machinery for the manufacture of gas at the Ohio penitentiary, and for the purpose of purchasing and laying a pipe from said gas works to the state house.

Appropriation for additional machinery for the manufacture of gas at Ohio Penitentiary.

SEC. 2. There is hereby further appropriated from said fund the sum of twenty-five thousand dollars, for the purpose of purchasing material and paying for labor in the construction of new cells in the penitentiary: Provided no money herein appropriated shall be applied to the construction of cells not already authorized by law.

Twenty-five thousand dollars for new cells, etc.  
 Proviso.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS. L. YOUNG,  
*President of the Senate.*

Passed February 1st, 1877.

#### AN ACT

To amend section forty-eight of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853. (S. & C., Swan's R. S., 632.) Passed and took effect April 16, 1867, 64 vol. stat., 230. (Swan and Sayler, page 541).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-eight of the above recited act be amended so as to read as follows:

Section 48. An action other than one of those mentioned in the first three sections of this chapter, against a corporation created by the laws of this state, may be brought in the

Action may  
be brought  
in county in  
certain cases.

Section re-  
pealed.

county in which it is situated, or had its principal office or place of business, but if the corporation be an insurance company, the action may be brought in the county where the cause of action, or some part thereof arose.

SEC. 2. That said amended section forty-eight of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 15th, 1877.

#### AN ACT

To amend an act passed May 1, 1861, entitled "An act to provide for the creation and regulation of township agricultural societies."

Township  
agricultural  
associations  
deemed cor-  
porations in  
certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above recited act be so amended as to read as follows :

Section 1. That when any number of natural persons of any township in the State of Ohio shall form an association for the promotion of agriculture in such township, and shall, under their hands and seals, make a certificate and acknowledge the same before a justice of the peace, in which shall be specified the name of the society, the objects of its formation, and the township in which it shall be located, and shall record the same in the recorder's office of the proper county, such society shall be deemed a body corporate, with succession, and with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with ; to make and use a common seal and the same to alter at pleasure ; and shall have power to purchase and hold in fee simple, or to rent or lease such estate as may be required as a site for holding fairs, not exceeding forty acres, and to establish all necessary rules and regulations for the management of such fairs and the legitimate business of the society.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. That this act take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 11, 1877.

## AN ACT

To repeal section twenty of an act entitled "An act to regulate incorporated companies," passed February 11, 1848 (S. & C., page 271), and section nineteen of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852. (S. & C., page 271).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty of an act entitled "an act to regulate incorporated companies," passed February 11, 1848 (S. & C., page 271), and section nineteen of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852 (S. & C., page 271), be and the same is hereby repealed.

Section repealed.

SEC. 2. This act to take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 15th, 1877.

## AN ACT

To regulate the traffic in the sale or exchange of scrap-iron, old metals, old rope, and junk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any keeper of a store, shop, wagon, boat, or other place of business, who shall purchase, sell, exchange, or receive any scrap-iron or old metals, canvass, rope, junk or lead pipe except plow-irons and old stoves, shall put up, in some conspicuous place, in or upon said shop, store, boat, or other place of business, a sign having his name and occupation legibly inscribed thereon, and shall keep a book open to inspection, in which shall be written, at the time of every purchase or exchange of any of the articles above mentioned, a description of the article or articles so purchased or exchanged, the name and residence of the person from whom purchased or received, and the day and hour when such purchase or exchange was made.

Trafficers in old iron, etc., to put up sign of business.

To keep register of such iron, etc., purchased.

SEC. 2. That no keeper of any such store, shop, wagon, boat, or any other place of business, shall directly or indirectly purchase or receive, by way of barter or exchange, or otherwise, any of the aforementioned articles of any minor or unknown person.

Not to purchase of unknown person.

SEC. 3. That no keeper of any store, shop, wagon, boat or other place of business, shall purchase or receive any of the articles aforesaid not exempted in section one of this act from any person whatever, after the hour of nine o'clock at night and before seven o'clock in the morning.

Not to purchase after 9 o'clock at night.

SEC. 4. That any person violating any or either of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and shall be impris-

Penalties.

oned in the jail of the county not exceeding thirty days, or either, or both, at the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

THOS. L. YOUNG,  
*President of the Senate.*

Passed February 22, 1877.

#### AN ACT

To amend section twenty-four of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876. (O. L., vol. 73, page 233).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-four of the above entitled act be so amended as to read as follows:

Duties of  
township  
trustees in  
certain cases.

Section 24. Whenever, in any county having an infirmary, the trustees of any township shall, after making the inquiry provided in the fifteenth section of this act, be of the opinion that the person complained of is in a condition requiring public relief, they shall forthwith transmit a statement of said facts, together with the amount of relief furnished, if any, so far as they shall have been able to ascertain the same, to the directors of the infirmary; and if it shall appear that such alleged pauper is legally settled in said township, or has no legal settlement in this state, or that such settlement is unknown, and the said directors are satisfied that said alleged pauper requires public relief, they shall forthwith direct the superintendent of the infirmary to receive said pauper, and provide for him or her in said institution, and they shall furnish transportation for said pauper to the infirmary; and thereupon said directors shall certify to the correctness of the items contained in the bill of said trustees for costs and expenses incurred by them in affording temporary relief to said pauper; and if such statement of facts so ascertained by said trustees shall be transmitted to the directors of the infirmary within five days after the same came to their knowledge, then said bill of said trustees shall be paid out of the poor fund of the county, upon the order of the county auditor thereof.

SEC. 2. That said original section twenty-four be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

THOS. L. YOUNG,  
*President pro tem. of the Senate.*

Passed February 23, 1877.

## AN ACT

To amend section two of "An act to amend and supplementary to an act entitled 'An act to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties,'" passed April 5, 1867 (64 O. L., 111), passed May 13, 1868. [65 O. L., 183.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act shall be so amended as to read as follows:

Sec. 2. Section twelve of said act shall be so amended as to read as follows:

Section 12. It shall be the duty of the commissioner aforesaid to make to the governor, on or before the first day of January of each year, a full and accurate report of the condition and affairs of all the railroad and telegraph companies having lines in this state, also of all accidents resulting in injuries to persons and [the] roads upon which they occurred, with the circumstances and causes thereof, and such other information, suggestions, and recommendations as he may deem of advantage to the state. The governor shall cause two thousand copies of said report to be printed under the direction of the said commissioner, by the printer having the contract for this branch of public printing, and lay the same before the general assembly in printed form; said reports to be bound in muslin and suitably lettered on the back, three copies for the use of each member and officer of the general assembly, and one thousand copies for the commissioner, the remainder to be deposited in the state library for use and distribution by the librarian, according to law or the resolution of the general assembly.

Commissioner to make accurate report to governor.

Report to be printed and bound.

SEC. 2. Said original section two, amended by this act, is hereby repealed; and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 27, 1877.

## AN ACT

To amend an act entitled "An act to establish a uniform standard of weights and measures," passed March 21, 1863 (S. & S., p. 926); passed February 21, 1873 (O. L., vol. 70, p. 39), and as amended March 10, 1876 (O. L., 73, p. 22).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. Whenever the following articles are hereafter sold and no special agreement as to the measure is made by

the contracting parties, the bushel shall consist of the following weights:

Legal  
weight, corn,  
wheat, grass-  
seed, fruit,  
etc.

Wheat, sixty pounds; rye, fifty-six pounds; corn, shelled, fifty-six pounds; corn, in the ear, seventy pounds, until the first of January of each year next after it is raised, and from and after that date, sixty-eight pounds; oats, thirty-two pounds; clover-seed, sixty pounds; timothy-seed, forty-five pounds; hemp-seed, forty-four pounds; millet-seed, fifty pounds; buckwheat, fifty pounds; beans, sixty pounds; peas, sixty pounds; hominy, sixty pounds; Irish potatoes, sixty pounds; sweet potatoes, fifty pounds; onions, fifty pounds; dried peaches, thirty-three pounds; dried apples, twenty-two pounds; flax-seed, fifty-six pounds; barley, forty-eight pounds; malt, thirty four pounds; Hungarian grass-seed, fifty pounds. Each and every person violating the provisions of this act shall, before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five, nor less than five dollars, and pay the costs of prosecution.

Penalties for  
violation of  
this act.

All fines imposed by the provisions of this act shall be collected and paid over to the treasurer of the proper county within twenty days after the collection thereof, for the use and benefit of the common school fund of the township wherein the prosecution was had.

SEC. 2. That the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 27, 1877.

#### AN ACT

To amend the second section of an act entitled "An act to authorize two commissioners of the several counties in this state, through which the national road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively, passed April 6, 1876. [Pages 105 and 106 of Ohio Laws, volume 73.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be amended so as to read as follows:

Toll-houses  
to be erected.

Section 2. That said county commissioners shall have power to cause gates and toll-houses to be erected on said road within their respective counties, for the purpose of collecting tolls, and appoint the necessary collectors of tolls, and remove them at pleasure, and pay them reasonable compensation for such services; said collectors of tolls shall pay into the county treasuries of their respective counties, at the

end of each month, all the moneys that they shall have collected that remain in their hands, after deducting the compensation allowed for their services; said commissioners shall apply said money to the keeping in repair of said road within their respective counties. In the collection of said tolls, said collectors shall be governed in all respects by the laws now in force relating to the collection of tolls: provided, that the number of gates shall not exceed one on any span or distance of ten miles, and no toll shall be charged or collected for travel on that part of said road that lies between Columbus and the Ohio central lunatic asylum, and all persons shall be permitted to travel free of toll on this part of said road.

Tolls paid into county treasuries.

SEC. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 28, 1877.

#### AN ACT

Supplementary to an act passed April 11, 1876 (O. L., vol. 73, p. 169), to amend section seven of an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in counties having at the last federal census twenty-three thousand and twenty-eight inhabitants, and no more, whenever it is necessary for the want of bridge funds in the treasury of the county, the county commissioners may issue the bonds of the county, payable in installments, or at intervals, not exceeding in all the period of five years, bearing interest at a rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value, to enable the commissioners to build bridges and culverts as provided for in section one of the act to which this act is supplementary, and in such amounts only as will be necessary for that purpose, said bonds to be paid out of the bridge funds of such county, only: provided, that no bonds shall be delivered or money paid to any contractor, except upon estimate of work done, as the same progresses or is completed.

County commissioners may issue bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

Bonds to be paid out of bridge fund.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 28, 1877.



## AN ACT

To amend sections six hundred and ninety, six hundred and ninety-one, and six hundred and ninety-two of "An act to provide for the organization and government of municipal corporations," passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections six hundred and ninety, six hundred and ninety-one, and six hundred and ninety-two of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, be and the same are hereby amended so as to read as follows:

Section 690. When any municipal corporation shall desire to enlarge its corporate limits by the annexation of contiguous territory, it shall be done in the following manner.

How contiguous territory may be annexed.

Section 691. The council or board of trustees of the corporation, by a vote of not less than a majority of the members elected, shall pass an ordinance authorizing such annexation to be made, and directing the solicitor of the corporation, or some one else to be named in the ordinance, to prosecute the proceedings necessary to effect such annexation.

Application.

Section 692. Application for such purpose shall be by petition, in writing, of the corporation to the commissioners of the proper county, which petition shall set forth, that under an ordinance of the council or board of trustees duly and legally passed, the territory therein described was authorized to be annexed to the corporation, and shall accurately describe such territory, and be accompanied by an accurate map or plat thereof.

SEC. 2. That sections six hundred and ninety, six hundred and ninety-one, and six hundred and ninety-two, of said act of May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 1, 1877.

## AN ACT

To amend section two of an act to authorize and require the board of public works to ascertain and locate all lands, belonging to the state, which lie at or near the public works of the state, with a proper description of the same; and also providing for the appraisalment and sale of the same; passed April 29, 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of said act be amended so as to read as follows:

Section 2. That as soon as the location and appraisalment

of said land shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same at a sum not less than the appraised value thereof, one-fourth the purchase to be paid on the day of sale, the balance in equal annual installments, with interest at six per centum, payable annually; and the said auditor of state shall give to purchasers certificates of purchase, and of payments of principal and interest, as the same shall be made, and upon full payment of purchase money and interest, the governor of the state shall execute deeds to said purchasers, or their assignees, in fee simple for the lands sold; and all sums arising from the sale of said lands shall be paid into the treasury of the state to the credit of the sinking fund: provided, that the lot of land described as the stone quarry, in the survey number 2668, and such lands along the canals as were obtained for gravel banks for the purpose of repairing the canals, or for sites for water power at locks where such power has not yet been brought into use, shall not be sold until directed by the general assembly; and provided further, that the auditor of state cause said lands to be offered at public sale at the door of the court house in each of the counties wherein the lands lie, and shall cause public notice of such sale or sales to be published in a newspaper printed in each of said counties, or of general circulation therein, for five consecutive weeks immediately preceding such sale, and if said land shall not sell at public sale, then the auditor of state may sell at private sale, but in no case shall the lands be sold for less than the appraised value thereof; provided, that nothing herein shall apply to any lands within the limits of the city of Cleveland, now used for the bed of the Ohio canal, its tow-path or basin, or needed to connect said canal with the Cuyahoga river at or near a point sixteen hundred feet north of the south line of said city, where it crosses said Ohio canal.

SEC. 2. Said section two is hereby repealed, and this act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed March 1, 1877.

Sale of lands.

Purchase and per centum.

Governor shall execute deeds.

Auditor of state offer lands for sale at door of court-house. Advertise.

When private sales may be made.

#### AN ACT

To amend section twenty (20) of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876. [O. L., vol. 73, p. 233.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty (20) of the above recited act be amended so as to read as follows:

Bequests to  
the poor  
shall be  
valid.

Devises pre-  
vious to  
March 30,  
1874.

Section 20. That all gifts, grants, devises, and bequests that heretofore have been or hereafter shall be made, of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, to the poor of any township, or any definite part or fraction of such township, or of any town or city in such township, by deed, gift, or by the last will and testament of any person or persons, or otherwise, shall be good and valid in law, and shall pass such houses, lands, tenements, rents, goods, chattels, and sum or sums of money, to the trustees of such township and their successors in office, for the use of the poor of said township, or part or fraction of such township, city or town in said township respectively, for whose benefit such gifts, grants, devises, and bequests have heretofore been or hereafter shall be made, under such regulations as shall from time to time be made by law: provided, that the provisions of this section shall not apply to gifts, devises, or bequests made by last will or testament subsequent to the thirtieth day of March, 1874, when said gifts, devises, or bequests are contrary to the provisions of the act of March 30, 1874, entitled "An act to amend the first section of an act entitled 'An act relating to wills and the repeal of former acts relating thereto,'" passed May 3, 1852, took effect June 1, 1852 (S. & C. 1615; O. L., vol. 72, p. 1,) and the provisions of said act relating to any bequest or devise by last will or testament, for benevolent or charitable purposes, shall be and are hereby revived.

SEC. 2. That section twenty (20) of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 1, 1877.

#### AN ACT

To amend section nine of an act entitled "An act supplementary to an act entitled 'An act to provide for the creation and regulation of incorporated companies in the state of Ohio,'" passed May 1, 1852; passed April 15, 1867, (S. & S., 186); as amended February 25, 1869 (O. L., vol. 66, p. 11); as amended April 20, 1874 (O. L., vol. 71, p. 161); as amended April 11, 1876 (O. L., vol. 73, p. 188).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section nine be so amended as to read as follows:

Corporations  
may be  
formed.

Section 9. Corporations may also be formed under this act for the following purposes:

*First*—For the preservation and exhibition of works of art.

*Second*—For encouraging and cultivating a taste for music.

*Third*—For the formation and encouragement of camp meeting, Sunday-school, temperance, religious and reformatory associations; and for the advancement of legal, medical, theological, and religious knowledge, and knowledge in all the sciences, arts, trades, business, and professions in life, and the better and more convenient discharge of duties connected therewith.

*Fourth*—For the formation and encouragement of floral, horticultural, nursery, and fruit companies, and for planting and growing trees for timber and for shade, and for planting and growing hedges.

*Fifth*—For cutting, quarrying, buying, and selling marble iron, slate, ice, or other material or artificial products.

*Sixth*—For the promotion of agriculture, and the mutual benefit and gain of those engaged therein, in the purchase and sale of stock, commodities, and articles pertaining thereto, including household necessities and luxuries.

*Seventh*—For the engaging in and carrying on the business of making and furnishing abstracts of title to real estate.

*Eighth*—For the purpose of transporting freight and passengers in cities.

SEC. 2. That the act to amend section nine, amended as aforesaid, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 12, 1877.

#### AN ACT

To amend section fifty-three of the act defining the civil jurisdiction of justices of the peace. [S. & C., 780.]

SECTION 1. *Bé it enacted by the General Assembly of the State of Ohio*, That section fifty-three of the act defining the civil jurisdiction of justices of the peace be amended so as to read as follows, to wit:

Section 53. If in any case where an order of attachment has been issued by a justice of the peace, it shall appear from the return of the officer, and if there is a garnishee in the case, then also from the examination of the garnishee, that no property, moneys, rights, credits, or effects of the defendant have been taken under the attachment, but that the defendant is the owner of an interest in real estate in the county, the justice before whom said action is pending shall, at the request of the plaintiff, forthwith certify his proceedings to the court of common pleas of the proper county, and thereupon the clerk of the court of common please shall

Where order  
of attach-  
ment has  
been issued,

Justice shall  
certify action  
to court of  
common  
pleas.

Non-resi-  
dence.

docket said cause, and the action shall be proceeded with in all respects as if the same had originated therein, except that the non-residence of the county by the defendant shall, in all actions under this section, for any sum of which justices of the peace have exclusive original jurisdiction, be a ground of attachment in the court of common pleas.

SEC. 2. This act shall take effect and be in force from and after its passage.

SEC. 3. Said original section fifty-three be and the same is hereby repealed.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To amend section twenty-eight of "An act to more effectually provide for locating, establishing, and constructing ditches, drains, and water courses in townships, and to repeal certain acts therein named," passed April 8, 1874 (O. L., vol. 71, p. 124).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-eight of the above recited act be so amended as to read as follows:

Township  
trustees pow-  
er to con-  
struct lateral  
ditches.

Section 28 That the township trustees shall have the same power to cause any ditch, drain, or water course located and constructed by county commissioners, to be cleaned out, widened, deepened, and repaired, and to locate lateral ditches which may intersect ditches located by county commissioners, as they have to order the location and construction of a ditch, drain, or water course under this act, and the proceedings of such cases shall be in substantial conformity with the provisions of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To amend the act entitled "An act to authorize county commissioners to purchase portions of turnpikes," passed April 11, 1876 (O. L., vol. 73, p. 220).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act authorizing county

commissioners to purchase portions of turnpikes," passed April 11, 1876, be so amended as to read as follows :

Section 1. That the county commissioners of the several counties of the state be and they are hereby authorized, on the petition for that purpose by any turnpike road company, to purchase so much of any turnpike road as may be and lie between any incorporated town or city, and any cemetery or public burying ground, and make the same a free road to such cemetery or burying ground, the same to be paid out of the county bridge fund; and that so much of such road so purchased by the county commissioners shall be kept in repair by such county commissioners, and such repairs shall be paid for out of the county general funds.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To amend section twelve of an act entitled "An act for the punishment of certain offenses therein named," passed March 8, 1831, and took effect June 1, 1831 (S. & C., 429), and as amended February 21, 1873 (O. L., vol. 70, p. 39).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve of the above recited act be so amended as to read as follows :

Section 12. That if any person, by any false pretense or pretenses, shall obtain from any other person any money, goods, chattels, merchandise, or effects whatsoever, or shall, by any false pretense or pretenses, procure the signature of any person or persons to any bill, bond, receipt, promissory note, draft, or check, or any other evidence of indebtedness, as maker, indorser, guarantor, or acceptor thereof, with intent to cheat and defraud the owner of said money or property, or the maker of said bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, or shall sell or offer for sale, or shall aid or abet the sale of any bill, bond, receipt, promissory note, draft, or check, or other evidence of indebtedness, a signature to which shall have been procured as maker, indorser, guarantor, or acceptor, by any false pretense or pretenses, knowing the same to have been so procured to be made, he shall, on conviction thereof, if the value of said money or property so obtained, or the amount of said bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness so procured to be made, shall be equal to or exceed thirty-five dollars, be imprisoned in the penitentiary not more than

Petitions.

Purchase of  
portion of  
turnpikes.

How paid  
for.

Money or  
other prop-  
erty felon-  
iously ob-  
tained.

Fine and  
imprison-  
ment.

three years nor less than one year, and pay the costs of prosecution; but if the value of the money or other property obtained, or the amount for which the bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness was given, be less than thirty-five dollars, he shall be guilty of a misdemeanor, and shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, or be imprisoned in the jail of the county not more than sixty nor less than ten days, or both, at the discretion of the court, and shall pay the costs of prosecution.

SEC. 2. That said section twelve of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen, and seventeen of an act entitled "An act to regulate the police force in cities of the first class, and to repeal an act passed December 18, 1874, entitled 'an act for the better regulation of the police force in cities of the first class having a population of two hundred thousand and over,' and to repeal an act entitled 'an act to establish a board of police commissioners in certain cities of the first class,'" passed March 29, 1873 (O. L., vol. 72, p. 51), passed March 24, 1876 (O. L., vol. 76, p. 70), and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen, and seventeen of the above-entitled act, be so amended as to read as follows:

Cities of the  
first class.

Appointment  
of police  
board, num-  
ber, term, etc.

Oath.

Section 1. That in all cities of the first class having at the last federal census a population of two hundred thousand and over, the police powers and duties shall be vested in and exercised by a board of five members, to be appointed by the governor for the term of five years; except that at the first appointment one shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. The vacancies in said board shall be filled for the unexpired term in the same manner in which the original appointment was made. Said board, within ten days from and after notice of their appointment, shall organize as a board of police commissioners by taking and subscribing an oath for the faithful performance of their duties, to be administered by the mayor of said city, or some officer legally authorized to administer oaths, a record of which shall be filed in the city clerk's office of such city. Said

board shall thereupon organize by electing one of their number president, and appoint a clerk.

Each of said commissioners shall be an elector and freeholder in the city wherein he may be appointed to serve under this act.

Said board shall meet for the transaction of business upon some particular day of each week, to be designated by the board, and at such other times as they may think necessary.

Any one of said commissioners who during the term of his office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining the same within twenty days succeeding said nomination, shall be deemed to have thereby vacated his office.

For official misconduct any of said commissioners may be removed by the governor of the state of Ohio.

In the absence of the president of said board, or his inability to act, the board may designate some other member to act as president during said absence or inability, and such acting president, during said time, shall have all the powers, duties, and responsibilities of the president of said board.

Section 2. Immediately upon the organization of the board, it shall possess full power and authority over the police organization, government and discipline within such city, and shall have the same powers, rights, and duties in reference to the appointment, election, confirmation, or removal, and possession and control of all property, books, records, and equipments belonging to or under the control of the police authorities, and the general government of the police department in all particulars in such city, as are now by law vested in the mayor, or which was vested in him or the board of health of any such city at the time of the passage of the act to which this is amendatory. The said board of police commissioners is hereby invested with, and shall hereafter exercise, all the powers now conferred by law upon mayors of cities and sheriffs of counties, in respect to requiring the services of the military in aid of the civil authorities to quell riots, suppress insurrection, protect property, and preserve public tranquillity; and such investiture of power shall exclude within such city the exercise of similar powers by the mayor of such city, or sheriff of the county in which such city is situated, and in addition thereto shall have all the powers now vested, or which was vested, in the board of health at the time of the passage of the act to which this is amendatory.

It shall be the duty of the board of police commissioners, and of the force hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace, to prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to remove nuisances exist-

Meetings.

Vacancies shall be declared.

Governor may remove.  
President of board.

Powers of board.

Duties.



ing in the public streets, roads, places and highways, to report all leaks or other defects in water pipes and sewers to the proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings and railway stations, and generally to obey and enforce all ordinances of the city council, criminal laws of the state and United States. Whenever any crime shall be committed in said city, whether the person or persons accused or suspected of being guilty shall flee from justice or not, the superintendent of police shall immediately report to the chief of detectives all facts which may have come to his knowledge concerning the offense, or the accused or suspected parties; and the board may, in their discretion, authorize any person or persons belonging to the police force to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court having jurisdiction of the offense for trial.

Police force shall be appointed.

Number of lieutenants, police-court officers, and patrolmen.

Compensation.

Appointments.

Section 4. The police force of such city shall be appointed by said board, and be composed of a superintendent of police an inspector of police (whose duty it shall be to act under the direction of the superintendent of police, as his deputy or assistant, and perform such other service as may be required of him by the board of police commissioners or the superintendent of police), so many lieutenants of police, not to exceed twenty, so many police-court officers and station-house keepers as may be necessary, and so many watchmen, or patrolmen, not to exceed three hundred. Said board of police commissioners shall, upon the passage of an ordinance or resolution, and the making of an appropriation therefor and in conformity with such resolution or ordinance by the common counsel of such city, employ and equip mounted policemen, in such manner, for such compensation, and for such districts within the corporate limits of such city as shall be prescribed by the common council of such city. The officers and members of such police force shall receive such compensation as shall be fixed by said board: provided, that the superintendent of police shall not receive a salary exceeding twenty-five hundred dollars (\$2500), eight hundred dollars of which sum shall be paid by the county in which such city is situated. The inspector of police shall receive a salary not exceeding fifteen hundred dollars (\$1500), lieutenants not exceeding nine hundred dollars (\$900), police-court officers not exceeding eight hundred dollars (\$800), patrolmen not exceeding eight hundred dollars (\$800), and station-house keepers not exceeding six hundred dollars (\$600) per annum each. Each member and officer of the police force shall be a citizen of the United States, and a resident citizen for three years of the city in which he shall be appointed, and able to read and write the English language understandingly. Appointments on the police force shall be for during good behavior and physical

and mental ability to discharge the duties attached to such appointment; and no member of said police force, unless physically or mentally disabled, except the superintendent and inspector, shall be removed until written charges shall be preferred against him for neglect of duty, misconduct, or for the violation of any of the laws of the state, or ordinances of such city, or rules and regulations of the board. All such charges must be in writing, and notice served on the person charged, who may defend, by himself or counsel, in accordance with the rules and regulations adopted for the government of said police force. The board shall have power to examine into the truth of all charges against members of said police force, and if such charges are found to be true, the board may reprimand, suspend, fine, or dismiss any member from the police force so offending, but in case of fine the amount may be forfeited out of the member's pay; in no case, however, shall the forfeiture in any one case exceed thirty days' pay. All fines derived from this source shall, when collected, be paid into the city treasury to the credit of the "police relief fund." No person who shall, for cause, have been removed from the police force established by this act, shall be reappointed by the board of police commissioners to any office in the said police force, except by the unanimous consent of the board.

Any lieutenant of the police force may, at any time, by the unanimous vote of the board, and without written and specific charges being preferred against him, be reduced to the rank of patrolman and ordered to patrol duty.

Section 5. The superintendent, clerk of the police department, and inspector of such police force shall be appointed and removed at the pleasure of said board. The board shall have power to detail members of the regular force to act as secret detectives, who shall be under the control of the said board and the superintendent; and said board may allow such secret detectives, as extra compensation, in any one year, a sum not exceeding one hundred dollars each.

Section 7. The said superintendent of police shall give a bond for the faithful discharge of his duties in the sum of twenty thousand dollars, to be approved by the board and the city solicitor, which shall be filed in the city clerk's office, and thereafter, under the direction and control of the board, he shall have command and control of the police force of such city.

Each officer and member of the police force, also each private policeman, special policeman, and substitute policeman, before entering upon the discharge of his duties, shall take an oath before any one of the police commissioners, all of whom are hereby empowered to administer the same, to well and faithfully discharge the duties of his office. Said oath shall be subscribed to by the person taking it, and shall be filed and preserved in the office of the police com-

When removals may be made.

Powers of the board.

Fines, and collection of same.

Lieutenants may be reduced to the rank.

Appointment of superintendent, clerk of police board, and inspector.

Oath of police force, private, special, and substitute police.

**Bond.**

Police shall  
not receive  
fees, etc.

missioners, and the inspector of police. And each lieutenant of police shall give a bond in the sum of five thousand dollars; and each patrolman shall also give a bond in the sum of one thousand dollars, with sureties to the satisfaction of the board and city solicitor, for the faithful discharge of his duties, and for the payment of any damages that may be adjudged against him by any competent tribunal, for the illegal arrest or imprisonment, or injury by him of any person. No member of the police force shall receive, or share in for his own benefit, under any pretense whatever, any present, fee, gift, or emolument, for police services, other than the regular salary and pay, except by the consent of the board and superintendent, publicly given. Nor shall any member share in or receive any fee, gift, or reward from any person who may become bail for any arrested, accused, or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift, or reward, in any case, from an attorney at law, who may prosecute or defend any person arrested or prosecuted for any offense within the county within which such city may be situated; nor shall any such member either directly or indirectly interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the person so offending shall be immediately removed from the police force.

Duties of  
police commissioners  
and police  
on election  
day.

Section 8. It shall be the duty of said board of police commissioners to detail on the day of any primary or other election in such city, one or more patrolmen, as they may deem necessary, to each election poll, and to provide ballot-boxes for use at any and all such elections, and to see that the arrangements for voting at such polls are such as to prevent any avoidable crowding of voters, and that the challengers of all parties have fair and equal room, rights, and privileges, for the discharge of their duties at such polls, and that the judges of the election at such polls are fully protected from any and all interference with the counting of the votes in a legal, orderly, open, and public manner, and to provide for the custody of said ballot-boxes at all times, except during the taking, receiving, and counting of the votes, and such city shall pay the expenses of procuring and taking care of said ballot-boxes.

Wear uniform.

Every member of said police, while on duty, shall wear a uniform to be prescribed by the board, and shall at all times, in public, wear a badge of his office, to be furnished by the board. No member of the police force shall be a delegate to or otherwise take part in any primary or other political convention or election, except to cast his vote.

How vacancies shall be filled.

Vacancies occurring in any grade of said police force, except that of the superintendent or inspector, shall be filled by the board from the next lower grade.

Section 9. The president of the board and superintendent of police shall each have power to issue criminal warrants in all cases upon the complaint of any person on oath, making the same returnable before the judge of the police court of such city, and they may each commit for examination.

Criminal  
warrants.

The board of police commissioners and the clerk of said board shall each have power to issue subpoenas, tested in the name of the president, to compel the attendance of witnesses upon any proceedings authorized by this act, or the original act to which it is an amendment, and by the rules and regulations of said board; and witnesses for whom such subpoenas shall be issued shall be entitled to the usual fee prescribed for witnesses. Each commissioner of police, the superintendent, and the clerk of the board of police commissioners, is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board, or for the purposes of this act, and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the board of police commissioners shall then have the same power to compel attendance and punish disobedience as justices of the peace in like cases.

Subpoena.

Fail or refuse  
to obey sub-  
poena.

Section 10. All stolen or other property taken by the members of the police force shall be deposited and kept in a place designated by the board of police commissioners; and in case of the neglect or refusal of any officer or patrolman to so deposit the property taken or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and subject to indictment on information, and be fined in a sum not exceeding three thousand dollars, and in no case less than the value of the property, or be imprisoned in the county jail not exceeding one month or both; and the sentence of the court in such cases shall operate to vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for that purpose by the secretary of the board, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same.

Deposit of  
stolen goods.

An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within thirty days after such arrest and seizure, be claimed by any person or persons, it shall, unless otherwise ordered by the board, be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor, or clerk, except by special order of the board.

Mode of dis-  
posing of  
money or  
other prop-  
erty.

In case said money or property shall, within thirty days, be claimed by any other person or persons, it shall be retained by said custodian until after the discharge or conviction of the person from whom the same was taken, and so long as the same may be required in evidence in any case in court, and if such claimant or claimants shall establish, to the satisfaction of the police judge, that he or they are the rightful owners, the same shall be restored to him or them; otherwise it shall be returned to the accused personally, and not to any attorney, agent, factor, or clerk of such accused person, except upon special order of the board, after all liens and claims in favor of the board and the city, against the same, shall have first been discharged and satisfied.

Compensation of police force.

Section 11. The compensation of the members of the police force shall be payable semi-monthly. The clerk of the police department shall semi-monthly draw his warrant, attested by the president of the board, countersigned by the clerk of the police department, in favor of each member of the police for the amount of salary due him, which shall be presented to the city auditor, who shall thereupon draw his warrant therefor upon the city treasurer, payable to such member, and such treasurer shall pay the same.

Expense.

Section 12. For all expenses incurred by said board, such as advertising, printing, stationery, postage stamps, telegrams, fuel, lights, feeding prisoners, clubs, whistles, badges, repairs, erecting buildings, rent, and such other incidental expenses necessary to carry out the provisions of this act, subject to the restrictions herein provided, the said board shall have power to appropriate money to pay the same out of the police fund, and thereupon an order, signed by the president and countersigned by the clerk of the board, shall be drawn upon the city auditor, payable to the person or persons to whom said sum or sums may be due, specifying the purposes for which said appropriation was made, and the said city auditor shall immediately draw his warrant upon the city treasurer, payable to such person or persons in whose name said order was drawn, and the said treasurer shall pay the same out of the police fund, and the secretary or clerk of said board shall make an itemized statement to said board at the end of each and every month, of the amounts so expended and to whom paid.

Common council required to levy and collect taxes.

Section 14. And such common council is hereby required to levy and cause to be collected such tax in the same manner as other taxes are now or may hereafter be levied and collected in such city; and said funds so estimated, levied, and collected shall be certified to the treasurer of such city by the auditor of such city, as the police fund, and shall be held by such treasurer as other city funds, subject only to the order of the police commissioners, as herein provided. And any interest derived from the deposit of said fund shall be credited to the police fund; and from the date when this act takes effect, until such tax shall be collected, the officers.

and policemen herein named, and all other necessary expenses in any way arising out of this act, shall be paid out of the fund that would be used in such city for police purposes had not this act been passed; and if such fund is insufficient, it is hereby made the duty of such common council to provide any required balance for such expenses out of any funds of such city not otherwise appropriated.

Section 16. All rewards, fees, gifts, and the proceeds arising from the sale of unclaimed goods, after deducting all expenses incident thereto, shall be paid into the police relief fund; all goods unclaimed for the period of one year shall be sold by the superintendent of police at public auction, after giving due notice thereof by advertisement published three times in a newspaper of general circulation in such city.

Rewards,  
fees, gifts,  
etc.

Section 17. In case of riot or insurrection, or any like emergency, within said city, which, in the judgment of the president of the board of police commissioners, requires the intervention of the police force, he shall have power to call out the whole force, and control the same during said emergency, or until such time as the said board may have time to convene and take action thereon. And in case of any emergency in such city, which, in the judgment of the board of police commissioners, requires a temporary increase in the numbers of the police force of such city, such board shall have the power to appoint as many other patrolmen or officers as they may deem necessary to serve, as long as such emergency may exist, not exceeding five days. The board may also appoint a sufficient number of substitutes to fill the vacancies occasioned by the absence of any members of said force, and such substitutes shall receive compensation only for such time as they may serve, and the amount of said compensation so allowed shall be deducted from the pay of the absent member.

Riot, insur-  
rection, or  
other like  
emergency.

SEC. 2. Said original sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen, and seventeen are hereby repealed.

SEC. 3. Upon complaint being made on oath to the president of the board of police commissioners that any personal property has been stolen or embezzled, and that the complainant suspects that such property is concealed in any particular house or place in such city, or within four miles of the corporate limits thereof, and if such president shall be satisfied that there is reasonable ground for such suspicion, he may issue a warrant to search for such property.

Complaints.

Such warrant shall be directed to some officer of the police force, and shall command [to] him to search the place where such property is suspected to be concealed (which place shall be designated, and the property particularly described in such warrant), and to bring such stolen property before the judge of the police court of such city, and upon the return of such warrant to such judge of the police court, he

Warrants.

shall proceed thereon in like manner as if such warrant had been by him issued.

No fees.

No fees shall be allowed for the issue or execution of the warrants aforesaid.

Gaming and  
lewd or ob-  
scene public  
amusement.

SEC. 4. Whenever said board of police commissioners shall have knowledge, or shall receive satisfactory information that any house, room, or premises within such city, or within four miles of the corporate limits thereof, is being kept or used as a common gaming house, or a common gaming premises, for therein playing for wagers of money at any game of chance, or if the same is kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for such board, and it shall be its duty, to authorize and direct the superintendent, or any other officer of the police force, to enter such house, room, or premises, and forthwith arrest all persons therein found offending against any law, and seize all implements of gaming, lottery tickets, and lottery policies, and convey any person or persons so arrested before the judge of the police court of such city, and bring the articles so seized to the office of said board. It shall be the duty of the superintendent of police to cause such arrested persons to be vigorously prosecuted, and such seized articles to be destroyed. And said board shall cause the owner or owners of such house, room, or premises, their agent, attorney, or representative, to be notified in writing that such house, room, or premises are being used for an unlawful purpose, and it shall be the duty of such owner or owners, agent, attorney, or representative to cause the use of such premises for such unlawful purpose to cease; and if such owner, agent, attorney, or representative shall neglect or refuse, or not use due diligence to cause the same to be done within a reasonable time, to the satisfaction of the board of police commissioners, he shall, upon conviction thereof, for the first offense be fined not less than fifty dollars, nor more than two hundred and fifty dollars, and shall be committed until the fine and costs are paid; and for the second or any subsequent offense he shall, upon conviction, in addition to the fine, be imprisoned in the county jail not less than fifteen days nor more than three months.

Seizure of  
implements  
for gaming,  
and arrest of  
persons vio-  
lating the  
laws.

Notifica-  
tions.

Fines and  
penalties.

Police force  
shall assist  
in executing  
warrants.

SEC. 5. Whenever the board of police commissioners shall have knowledge, or shall receive any satisfactory information that there is any prohibited gaming table, or other gaming device, kept or used in such city, such board shall have power to authorize its president to issue, and it shall be its duty forthwith to order a warrant to be issued by him, directed to the superintendent of police, or some other officer of the police under said board, to seize and bring before said president such gaming table or other gaming device. The officer charged with the execution of such warrant, shall have power to break open doors for the purpose of executing

the same, and for that purpose may have the assistance of the whole police force.

It shall be the duty of such president of the board of police commissioners, before whom any such prohibited gaming table or gaming device shall be brought, to cause the same to be destroyed by burning or otherwise.

Destruction  
of gaming  
devices.

Sec. 6 The superintendent of police, and the lieutenants of police within their districts, shall possess powers of general supervision and inspection over all pawn-brokers, junk-shop keepers, cartmen, hackmen, dealers in second-hand merchandise, intelligence office keepers, and auctioneers within such city of the first class, and in the exercise and in furtherance of said supervision, may, from time to time, detail members of the police force to fulfill such special duties in the aforesaid premises as may, from time to time, be ordained by said board of police commissioners.

Powers of  
general su-  
perintend-  
ent.

The superintendent, and the lieutenants within their districts, may, by authority in writing, empower any member of said police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawn-broker, or his business premises, or the business premises of any junk-shop keeper, or dealer in second-hand merchandise, or intelligence office keeper. And such member of said force, when thereto authorized in writing as aforesaid, and having in his possession a pawn-broker receipt or ticket, shall be allowed to examine the property purporting to be pawned, pledged, or deposited on said receipt or ticket, in whosever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law. Any willful resistance to such superintendent or lieutenant, or to any member of said police force, whilst in official and due discharge of duty, by any of the persons hereinbefore named in this section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars, and may be imprisoned in the county jail not more than three months, or both, at the discretion of the court.

Examination  
of premises,  
books, pa-  
pers, etc.,  
and fines and  
penalties.

Sec. 7. The actual and necessary expenses incurred by any member of such police force in serving or executing any process provided for in this act, or any criminal process or subpoena in a criminal case, or in detecting or endeavoring to detect, discover, or arrest any perpetrator of crime against the laws of this state, or to discover or reclaim any property feloniously stolen, concealed, or carried away, when directed to do so by the superintendent or the president of the board of police, or by the prosecuting attorney of the county in which such city of the first class may be located, shall be a charge against said county. The amount of such expenses shall be made out in items and in detail, and verified by the oath of the party to whom the same is due, to the effect that

Expense of  
arresting  
perpetrator  
of crime.



the sums therein charged have been actually paid out by him, and shall not include any items of traveling expenses in cases wherein transportation has been furnished to the party gratuitously and without pay by him, under whatever circumstances such free transportation may have been given, and when such bill has been audited and certified by the board of police commissioners, it shall be presented to the board of commissioners of the county in which such city of the first class shall be located, and shall be by them audited and paid as other county expenses are audited and paid.

Control of  
sanitary reg-  
ulations.

SEC. 8. Said board shall have charge of and control the police and sanitary regulations of all markets and market-houses within such city; shall appoint all market masters and market police as are now or which may hereafter be required by law or ordinance of such city, and shall employ such force of laborers as may be necessary to keep the market-houses of such city clean and in proper sanitary condition.

Appoint-  
ments and  
removals.

All market masters, assistant market masters, and laborers employed in the market-house, holding appointments from the mayor or other authorities of such city at the time of the passage of this law, shall hold their respective positions until the expiration of the terms for which they were appointed, confirmed, and commissioned under law or ordinance of such [city] prior to January the first, 1877. And all appointments of market masters, assistant market masters, or market police, made by said commissioners, shall be for and during good behavior, and physical or mental ability to discharge the duties attached to such appointment, none of whom shall be removed but for physical or mental disability, except the chief market master, until written charges shall be preferred against him for neglect of duty, misconduct, or violation of any of the laws of the state or ordinances of such city, or for violation of the rules and regulations of the board in relation to markets and market-houses. All such charges shall be in writing, and the same proceedings shall be had as in the trial of policemen, as provided in section four of the act to which this is an amendment, and if the party accused is convicted by said board, he may be punished by forfeiting and withholding pay for a specified time, or dismissal from office, but no more than thirty days' pay shall be forfeited and withheld for one offense.

All forfeitures under this clause shall be collected on the pay-roll by the clerk of the board, and paid into the treasury to the credit of the "Police Relief Fund."

The chief market master and all laborers employed about the market-houses may be dismissed at the pleasure of the board.

Rules and  
regulations.

The board shall make such rules and regulations for the government of the market-masters, the market police, and the laborers employed as it may deem necessary for the proper government and discipline of said force, and may also make such rules and regulations for the government of the

markets of such city as it may deem necessary and proper, not incompatible with the laws of the state or the ordinances of such city.

Said board of commissioners shall make an annual estimate for the necessary funds to defray the expenses in carrying out the provisions of this act relating to markets and market-houses, said estimate to be known as the expense of markets and market-houses, which estimate shall be transmitted to the auditor of such city, together with the annual May estimate for police purposes, and it shall be by him transmitted to the common council of such city, whose duty it shall be to levy and cause to be collected such tax, in the same manner as other taxes are now or hereafter may be levied and collected in such city.

Estimates to  
defray ex-  
penses.

Provided, that said annual estimate by said commissioners shall not exceed the aggregate amount expended by such city for the same service for the fiscal year beginning in 1876 and ending in 1877, except the same shall be approved by the common council of such city. And said fund, when so levied and collected, shall be paid into the treasury of such city to the credit of markets and market-houses, and shall be under the control of and subject to disbursement by said police commissioners, under the same restrictions and regulations as are prescribed by the provisions of this act in relation to the disbursement of the police fund.

Until such tax shall be levied and collected, and paid into the treasury of such city, all the necessary expenses in any way arising out of the provisions of this act, in relation to markets and market-houses in such city, shall be paid out of the fund that would be used in such city for the same purposes had not this act been passed, and such common council is required to provide such fund, and place the same subject to the order of such board.

SEC. 9. The board of police commissioners are hereby authorized to create a police relief fund, by assessing on each member of the police force a sum to be deducted from the monthly pay of each member, not exceeding fifty cents per month. The sum so fixed and deducted shall be, by the clerk of the board, paid into the city treasury to the credit of the police relief fund, and shall be used exclusively to relieve members of the police force when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death, or for pensions when honorably retired from the force.

( relation of  
police relief  
fund.

All fines and forfeitures from policemen shall be paid into this fund. The board of police commissioners shall be trustees of said fund, and shall invest the same, from time to time, when there is a surplus, in United States bonds, bonds of the state of Ohio, or bonds of such city, or bonds of the county in which such city is located.

Fines and for-  
feiture of  
policemen.

The members of the police force of such city shall make such rules and regulations as to the disbursement of said

**Disbursement of funds.**

police relief fund to the members as they may deem proper, such rules and regulations to be approved by the board of police commissioners.

**Election of board.**

The members of such police force, each having one vote, shall elect annually, on the first Wednesday after the first day of January in each year, a board of seven members from their own number, to be known as the board of directors of the police relief fund, to whom shall be entrusted the entire management of said fund as to its disbursement, subject to the approval of the police commissioners, as hereinbefore provided.

**Organization of board.**

Said board shall organize by electing a president and secretary, and no payment of any money shall be made from said relief fund, save for investment by the trustees, as hereinbefore provided except upon the order of said board of directors, upon the order of its president, countersigned by the secretary, and then approved by the board of police commissioners. Such board of directors may make rules and regulations as to the disbursement of said police relief fund, subject to the approval by the board of police commissioners. Members who have resigned, or been dismissed from the force, shall have no interest in or claim on such fund; and members who may be honorably retired from the force, shall only have such interest in said fund as may be fixed in the rules and regulations in relation to said fund by the board of directors.

**Rewards, fees, and gifts.**

SEC. 10. All rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police commissioners to be paid and given for, or on account of any extraordinary service of any member of the police force, and all money arising from the sale of unclaimed property or money, shall be paid into the city treasury to the credit of the "police relief fund."

**Appointment of special policemen, and the pay.**

SEC. 11. The said board of police commissioners are hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special patrolmen or policemen: provided, such special policemen shall not be paid for their services as policemen, either from the police fund or the city or county treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

**Personal violence upon members of the police force.**

SEC. 12. It shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars, or imprisonment in the county jail or work-house not less than one month nor more than three months, or both fine and imprisonment, for any person, without justifiable or excusable cause, to use personal violence upon any member of the police force, when in the discharge of his duty, or for any person not a member of the police force, to falsely represent himself as being such member.

SEC. 13. Any person found in any such city, or within four miles of the corporate limits thereof, having in his possession any burglar's tools or implements of any kind commonly used by burglars in the breaking in or entering of houses, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any police court or other court of such city having competent jurisdiction thereof, shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the city work-house of any such city for a period not less than ninety days nor more than twelve months, or both, in the discretion of the court.

Burglar's  
tools.

SEC. 14. The said board of police commissioners shall have all the power now vested by law in the board of fire commissioners of any such city, and shall be governed by the rules now prescribed by law for the government of such board, when not inconsistent with the "act to establish a board of police commissioners in cities of the first class," passed March 24, 1876, and the officers of the board of fire commissioners of such city shall, upon the passage of this act, [shall] cease and determine.

Fire commis-  
sioners.

SEC. 15. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process, nor to service of subpoenas from civil courts whilst actually on duty.

SEC. 16. It shall be the duty of the board of police commissioners to provide, when it shall be required, at the expense of the city, all necessary accommodations within such precincts as shall be contained within the boundaries of such city, for the station-houses required by the board for the accommodation of the police force of such precinct, for the lodging of vagrant or disorderly persons, and for the temporary detention of persons arrested for offenses or held as witnesses. The power of purchasing lands for police purposes, and the supervision and control of the erection, building, altering, or repairing any of said station-houses or buildings, shall be solely vested in the board of police commissioners, and all expenses incurred for the above purposes shall be paid out of the police funds of said city, upon the order of the board of police commissioners: provided, that no expenditure exceeding one thousand dollars for the purchase of land or the erection of new buildings, or alteration or repair to old buildings, shall be made by said board, without the same shall have been first approved by the common council of such city. No commissioner or other officer of the board, or employed of the department, shall be interested in any contract connected with the police department. At least ten days' notice shall be given in some newspaper of general circulation in such cities of the first class, of the reception of the proposals for the performance of any contract exceeding five hundred dollars in amount, and said contract shall be

Station-  
houses.

Expendi-  
tures exceed-  
ing five hun-  
dred dollars.

awarded to the best and lowest bidder, who shall furnish satisfactory security for the performance of the same.

SEC. 17. That section one of the act passed April 29, 1873, (O. L. p 188) is hereby declared not to effect cities of the first class having a population of one hundred and fifty thousand or upwards, and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed March 17, 1877.

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#### AN ACT

Providing for the safe keeping of the evidences of titles to lands acquired by the state, and prescribing the duties of the auditor of state in relation thereto.

Record of  
titles.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the evidence of title of all lands belonging to, or that may hereafter be acquired by the state, shall be recorded in the office of the recorder of the respective counties in which such lands may be situate; and when so recorded, the same shall be forthwith deposited with the auditor of state, to be by him safely kept in his office; said auditor of state is also authorized and required to make and keep in his office a brief abstract of the title of all lands acquired by the state, to be kept by him in a suitable book prepared for that purpose, which book shall be open for inspection to all persons interested, at all reasonable business hours.

SEC. 2. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed March 19, 1877.

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#### AN ACT

Supplementary to the act entitled "An act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road," passed March 29, 1867 (S. & S., 671), and the acts amendatory thereof and supplementary thereto.

Road im-  
provements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where any proposed road improvement contemplated by the act to which this is supplement-

ary shall be in more than one county, application shall be made by petition to the commissioners of each of the said counties, and the commissioners of the said counties, upon said petition and bond being filed in their respective counties, shall meet in joint session, at such time and place as the auditor of the county in which the principal petitioners reside, shall give notice to the auditor of each of the counties in which petition has been filed, and the auditor of the county in which the joint board shall meet, shall be the clerk of said board, and shall furnish a certified copy of all proceedings to each of the said counties interested, and in all subsequent sessions said joint board shall proceed in all respects according to the provisions of the act in force and the amendments thereto, to which this is supplementary.

Clerk.

SEC. 2. That any person or persons feeling aggrieved by any decision of the county commissioners, made under section six of the act to which this is supplementary, may appeal from said decision to the probate court of said county, and such proceedings shall then be had as are provided for appeals in section three of said act, and such orders and judgments be rendered as are there provided for and the necessities of the case may require, upon the question of the public necessity of the contemplated construction or improvement, if that question has not already been tried before said court, and, also, upon the question of the amount of any assessment made against the appellant or appellants.

Appeals to probate court.

SEC. 3. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 19, 1877.

#### AN ACT

To secure to children the benefits of an elementary education.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every parent, guardian, or other person in the state of Ohio, having charge or control of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a common school for at least twelve weeks in each school year, commencing on the first day of September in the year of our Lord one thousand eight hundred and seventy-seven, at least six weeks of which shall be consecutive, unless the board of local directors, or the board of education, as the case may be, having control of the school district or sub-district in which such parent or guardian shall reside, shall excuse such child from attendance on its being shown to their satisfaction that the

Children must attend school.

child's bodily or mental condition is such as to prevent its attendance at school or application to study for the time required, or that its time and labor are essentially necessary for the support of an indigent parent, brother, or sister, or that such child is being otherwise furnished with the means of education for a like period of time, or has already acquired branches of learning ordinarily taught in common schools: provided, in case the common school of the district in which such parent or guardian resides shall be distant two miles from his residence by the nearest traveled road, he shall not be liable to the provisions of this act.

Penalties attached to employing children who have not attended school.

SEC. 2. No manufacturer, owner of mills or mines, agent, overseer, contractor, landlord, or other person in this state shall, at any time after the first day of September, 1877, employ any child under fourteen years of age during the established school hours of the locality, unless such child shall have attended some common or private school for the term of at least twelve weeks during the school year next preceding the commencement of such employment, and such child shall deliver to its employer a certificate as evidence of attendance in compliance with the provisions of this act, from the teacher, or from the clerk of the board of local directors, or from the president of the board of education, as the case may be, having control of the school district in which the parent or guardian of such child shall reside: provided such child shall have resided in this state during the school year next preceding the commencement of such employment: and, provided further, that such child is under the control of a parent or guardian, and is not dependent upon its own resources for support, nor shall such employment continue for a longer period [than] forty weeks during any school year from the time this act shall take effect, unless such child shall deliver to such employer a certificate of excuse from the proper authority, for any of the reasons mentioned in section: one of this act.

Ascertaining the condition of children, and prosecution.

SEC. 3. The school boards having control, shall, in their respective districts, on the second Monday of February and September, or within fifteen days thereafter, of each year, in such manner as they shall deem most expedient, ascertain the condition of all children under fourteen years of age, employed at any daily labor, or who shall not be in attendance on any common or private school; and such board shall report all violations of this act to the proper persons, as provided in section seven of this act, who shall at once proceed to prosecute each and every such offense, in like manner as set forth in the fifth section of this act.

SEC. 4. In case it shall be shown to the satisfaction of the board of education having control, that the parent or guardian has not the means wherewith to purchase for his child or children the necessary school-books to enable him to comply with the requirements of this act, such board is hereby authorized to furnish such books, free of charge, the same to

be paid for out of the contingent funds at the disposal of such board of education.

SEC. 5. In case any parent, guardian, or other person, shall fail to comply with the provisions of this act, said parent, guardian, or other person shall be liable to a fine of not less than two dollars nor more than five dollars, for the first offense, nor less than five nor more than ten dollars for each and every subsequent offense. Such fine shall be collected by the township clerk, or in case the school district in which the offense is committed is situate within a municipal corporation, then by the clerk of the board of education of such corporation, in the name of the state of Ohio, in an action before any court having competent jurisdiction; and the fine so collected shall be paid to the county treasurer, and by him accounted for as other money raised for school purposes, and said money shall be applied to the use of the common school of the district in which such offense was committed.

Failure to  
comply with  
this act.

SEC. 6. It shall be the duty of the township clerk, or the clerk of the board of education, as the case may be, as provided for in sections five and seven of this act, to prosecute any offense occurring under this act, and such clerk, neglecting to prosecute for such fine within fifteen days after a written notice has been served on him (having been notified by affidavit setting forth the facts, by any member of the school board, or any tax-payer within the school district in which the offending party may reside), shall be liable to a fine of not less than ten nor more than twenty dollars, for each offense, such fine to be collected in the name of the state of Ohio, in an action before any court of competent jurisdiction, by any person feeling aggrieved thereby.

Duties of  
clerks.

SEC. 7. Two weeks' attendance at a half-time or night school, shall be considered within the meaning of this act, equivalent to an attendance of one week at a day school.

SEC. 8. This act shall take effect and be in force from and after the first day of September, 1877.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

#### AN ACT

To amend section two of "An act to better provide for the organization, regulation, and management of hospitals for the insane," passed March 27, 1857 (O. L., vol. 73, p. 81).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section two of an act to provide for the organization, regulation, and management of hospitals for the in-*



sane, passed March 27, 1876, be amended so as to read as follows:

Cleveland hospital district.

Columbus hospital district.

Dayton hospital district.

Athens hospital district.

Section 2. The district for the Cleveland hospital for the insane shall be composed of the counties of Ashtabula, Trumbull, Mahoning, Columbiana, Stark, Portage, Geauga, Lake, Cuyahoga, Summit, Wayne, Medina, and Lorain. The district for the Columbus hospital for the insane shall be composed of the counties of Lucas, Ottawa, Wood, Sandusky, Erie, Huron, Seneca, Hancock, Wyandot, Crawford, Richland, Ashland, Hardin, Marion, Morrow, Knox, Holmes, Coshocton, Tuscarawas, Carroll, Jefferson, Harrison, Belmont, Muskingum, Licking, Delaware, Franklin, Pickaway, Madison, and Union. The district for the Dayton hospital for the insane shall be composed of the counties of Logan, Champaign, Clark, Williams, Fulton, Defiance, Henry, Paulding, Putnam, Fayette, Van Wert, Allen, Mercer, Auglaize, Shelby, Darke, Miami, Preble, Montgomery, Greene, Butler, Warren, Clinton, and Clermont. The district for the Athens hospital for the insane shall be composed of the counties of Fairfield, Perry, Morgan, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, Sciota, Jackson, Vinton, Hocking, Ross, Pike, Adams, Brown, Highland, and Guernsey: provided, that the transfer of inmates made necessary by this act need not be made until after June first, 1877.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 20, 1877.

#### AN ACT

To provide for the procurement of additional lands for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company incorporated under the laws of this state, for cemetery purposes, and limited thereby to the ownership by appropriation or otherwise to a designated number of acres of land for such purpose, may purchase, according to law, additional lands to the extent necessary for such purposes: provided, not more than fifty acres shall be purchased in any one year, and not more in the aggregate shall be so purchased and held by any such association than one hundred acres, as provided in section five of the act providing for the incorporation of cemetery associations, passed February 24, 1848.

SEC. 2. That any such company purchasing lands, as aforesaid, shall have authority to borrow money for the purpose, upon any stocks or securities owned by it, but shall

not encumber the land so purchased by mortgage or otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

#### AN ACT

To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, amended May 12, 1868 (Swan and Saylor, page 635).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section one of an act amending an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, and amended May 12, 1868, be so amended as to read as follows:

Section 1. That it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatsoever, except in buildings where secret societies are held, in any city, or incorporated village, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, or to be so used when the doors affording exit therefrom are locked or barred, or when such doors shall open inwardly; provided, that all churches and school-houses already built, having a vestibule with outside doors opening inwardly, and inside doors opening outwardly, shall be considered to have complied with this act; provided, that such outside doors shall be kept open and securely fastened open during the time that persons are therein assembled; provided further, that when the assembly-rooms of said church are situated upon the ground-floor, with a sufficient number of low windows to secure safe and easy means of escape in case of alarm; in such cases the commission provided for in section two and three of the act of which this is amendatory, if, in their judgment, the means of egress are sufficient for the safety of persons therein assembled, shall grant the certificate provided for in section two of the act to which this is amendatory.

Safety and  
egress.

Churches  
and assembly-rooms.

SEC. 2. That section one, passed May 12, 1868, of which this is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President of the Senate.*

Passed March 22 1877.

## AN ACT

To amend section three (3) of an act entitled "An act to authorize the commissioners of the several counties in this state, through which the national road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May, 15, 1876 (O. L., vol. 73, p. 105).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original section three (3) of the above recited act be amended so as to read as follows :

Collection of  
tolls between  
toll-gates.

Consent of  
congress.

Vote on ac-  
quiring the  
national  
road.

Section 3. That said commissioners shall have power, if they deem it for the best interest of such road, to require the collection of toll from passers who may travel with horses and all kinds of carriages and wagons, between toll-gates, or between the county line and the nearest gate thereto, at the same rate per mile as may be charged for like travel on said road to persons traveling or hauling through the toll gates thereof, and said commissioners may make such rules and regulations with regard to the collection of such intermediate tolls as they may deem just and proper ; provided, that when the consent of the congress of the United States shall have been obtained thereto, that the county commissioners of any county having a population under the last federal census of more than fifteen thousand six hundred, and less than fifteen thousand six hundred and fifty, shall have power, when they deem it for the best interest of the road, or the people whom the road accommodates, to submit to the legal voters of the county, at any regular or special election, the question, "Shall the national road be a free turnpike road?" and when the question is so submitted, and a majority of all those voting on said question shall vote "Yes," it shall be the duty of said commissioners to sell the gates, toll-houses, and any other property belonging to the road, to the highest bidder, the proceeds of the sale to be applied to the repair of the road, and declare so much of the road as lies within their county a free turnpike road, to be kept in repair in the way and manner provided by law for the repair of free turnpikes.

SEC. 2. That section three (3) of the original act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 22, 1877.

## AN ACT

To amend section four of an act entitled "An act relating to roads and highways," passed March 9, 1868 (S. & S., p. 662).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act entitled "An act relating

to roads and highways," passed March 9, 1868, be amended so as to read as follows:

Section 4. That all able bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, who shall be between the ages of twenty-one and fifty-five years on the first day of April of the same year, except persons permanently disabled in the military service of the United States, and any person who is now or shall hereafter become an acting member of any fire engine, hook and ladder, hose, or other company for the extinguishment of fire, or the protection of property at fires, now existing and under the control of the corporate authorities of any city or incorporated town or village within this state; or, of any such company which shall hereafter be organized under and subject to the authorities of any city, town, or village aforesaid, and who receives no pay for such services during the time he may continue an active member of such company; and all other persons named in the act relating to fire companies, passed March 26, 1872 (O. L., vol. 69, p. 54), together with all active and contributing members of military companies and batteries organized under the laws of this state, shall be liable, annually, to do and perform two days' labor on the highways under the direction of the supervisor of the road district in which he shall reside; provided further, that if any person being warned, as hereinafter provided, shall pay to the supervisor in whose district he may reside, the sum of two and one-half dollars within three days after being notified by said supervisor, the same shall be received in lieu of the two days' labor, and shall be applied by the supervisor receiving the same to the improvements of the roads in his district, and accounted for as herein provided.

Who shall  
perform la-  
bor on roads.

Exemptions.

Warning and  
time.

SEC. 2. That section four of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 22, 1877.

#### AN ACT

To amend section three of "An act further providing for converting toll roads into free roads," passed May 3, 1873 (O. L., vol. 70, p. 255).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled "An act further providing for converting toll roads into free roads," be amended so as to read as follows:

Mode of procedure.

Appraisements, and issuing county bonds.

County commissioners shall pay.

Majority of land owners.

Discretion of commissioners.

Section 3. After the filing of such acceptance with the commissioners, it shall be lawful for the resident land owners along and adjacent to the line of any such toll road or incorporated turnpike company, whose lots and lands will be assessed for the purchase of the same, to petition the county commissioners of the county through which the same or any part thereof may run, for the purchase of said road at the appraised value as reported by the appraisers, as provided for in section two of this act; that the bonds of the county be issued to said company according to its acceptance, and that a sum sufficient to pay the amount with which they will be charged, together with the interest that may be assessed upon the lots and lands which would be benefitted by the conversion of said toll road into a free road within no greater distance than two miles thereof; provided, however, that the cash value of the bridges and culverts which have been built by said company, as appraised by the appraisers according to the provision of section two of this act, shall be paid by the county commissioners of any such county out of the bridge fund of the county, less any amount they may have heretofore appropriated; and in ascertaining what lots and lands are benefitted and to what extent each piece shall be assessed for said purchase, and as to whether a majority of the owners thereof have petitioned therefor, the county commissioners, auditor, and treasurer shall have the same power and authority, and be governed in the assessment and collection of taxes to pay for the road so purchased, and in all other respects, so far as the same may be applicable by the act of March 29, 1867, to authorize county commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and all acts supplementary and amendatory thereto, after the purchase of any such toll road by the commissioners as aforesaid, the same shall immediately thereupon become a free road thereafter, to be kept in repair in the same manner that improved roads now are or may hereafter be kept up; provided, however, that when the county commissioners may be of opinion that such toll road so purchased is not in repair and condition equal to free turnpikes in the vicinity of said road, they are hereby authorized and empowered, at their discretion, to order and make an assessment on the lands taxed for the purchase thereof, an amount which will, in their judgment, put said toll road so purchased in repair equal to the free turnpikes as aforesaid; said assessment shall be made upon the lands taxed for the conversion of said toll road into a free road, and in the same proportion, and to be placed upon the same special duplicate, and collected at the same time and in the same manner as the taxes for the purchase of said toll road and collected, and when collected, to be applied by the county commissioners in the repair of such road, and for no other purpose.

SEC. 2. That section three of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 22, 1877.

#### AN ACT

To amend section six hundred and sixty-one of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1st, 1869. (O. L., vol. 66, p. 261.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and sixty-one of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7th, 1869, and taking effect July 1st, 1869, (O. L., vol. 66, p. 261), be and the same is hereby amended so as to read as follows:

Section 661. Loans may be made by municipal corporations, in anticipation of the general revenue fund. The aggregate amount of such loans in any one fiscal year shall not exceed, in case of an incorporated village, for special purposes, one thousand dollars; of an incorporated village, fifteen thousand dollars; of a city of the second class, fifty thousand dollars; of a city of the first class which has been advanced to that grade during decennial periods, one hundred thousand dollars; of all other cities of the first class, two hundred thousand dollars: provided, however, that no new loans shall be made until the loan previously made under this act has been fully paid and canceled; and provided further, that no loan as aforesaid shall be made during any one fiscal year in anticipation of such fund exceeding the amount of taxes and revenue from other sources due and payable into the said fund for said fiscal year.

SEC. 2. That said original section six hundred and sixty-one of the act to which this is an amendment be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 22, 1877.

Anticipating  
revenue  
fund.

Amount that  
may be anti-  
cipated, and  
class of cor-  
porations.

Exceeding  
the taxes.

## AN ACT

Relating to inclined plane railway companies organized under the act of May 1, A. D. 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio."

Powers of corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any inclined plane railway or railroad company heretofore or that may hereafter [be] organized under the act of May 1st, A. D. 1852, entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," shall have power to hold, lease, or purchase, and maintain and operate such portion of any street railroad leading to or connected with the inclined plane as may be necessary for the convenient dispatch of its business, upon the same terms and conditions on which it holds, maintains, and operates its inclined plane: provided, that no other motive power than animals shall be used on the public highways occupied by such street railway company without the consent of the board of public works in any city having such a board, and the common council or the public authority or company having charge or owning any other highway in which such street railroad may be laid; and provided, that no inclined plane railway or railroad company shall construct any track or tracks in any street or highway without first obtaining the written consent of a majority of the property holders on the line of such proposed track or tracks, represented by the feet front of lots abutting on the street or highway along which such track or tracks are proposed to be constructed.

Motive power.

Consent of board of public works.

Consent of property-holders.

Consent of stockholders.

SEC. 2. No such purchase or lease shall be made without the consent of the holders of the stock in the company purchasing or leasing, and in the company leasing or selling such street railroad or of the owners thereof.

SEC. 3. This act shall take effect on its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.

## AN ACT

To incorporate associations for the mutual protection of its members against loss by fire.

Number required.

Assessments and collections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons of lawful age, residents of this state, not less than ten in number, may associate themselves together for the purpose of insuring each other against loss by fire, and may make, assess, and collect upon and from each other such sums of money, from time to time, as may be necessary to pay losses which may occur by fire to any member or members of such association. The assess-

ment and collection of such sums of money shall be regulated by the constitution and by-laws of said association.

SEC. 2. For the purpose of carrying into effect the provisions of this act the persons named shall make and subscribe a certificate, setting forth therein:

**Certificates.**

*First.* The name by which such association shall be known.

*Second.* The place which shall be regarded as its center or business office.

*Third.* The object of the association, which shall be, and shall only be, to enable the members of the association to insure each other against loss by fire and other casualties, and to enforce any contract which may be by them entered into, by which those entering therein shall agree to be assessed specifically for incidental purposes, and for the payment of losses which may occur to any member of such association.

SEC. 3. The certificate herein provided for shall be filed in the office of the secretary of state, and a copy thereof, under seal of the state, shall be evidence of the existence and due incorporation of the association for the purposes therein named.

**Filing certificates.**

SEC. 4. When said certificate shall have been properly filed in the office of the secretary of state, and a copy thereof forwarded to said association under the seal of the state, the persons named therein shall elect such officers as may be necessary for the complete performance of all the business and objects of the association herein provided, regulating the number and grade as follows: One president, clerk, and treasurer, and three directors, to be elected annually by the members of such association, at such time as shall be fixed upon in its constitution; and such association, organized as herein provided, shall be known and held to be a body corporate for all the purposes aforesaid, and may sue and be sued, plead and be impleaded, in all courts of law and equity: provided, that in no instance shall the power to insure against losses by fire be exercised to other than members of the association.

**Officers and election of same.**

SEC. 5. All associations organized under the provisions of this act shall adopt for themselves such a constitution and by-laws, not inconsistent with the constitution and laws of this state or of the United States, as shall, in their judgment, best subserve the interests and purposes sought in their association. and all persons signing said constitution shall be considered and held to be members of said association, and shall be held in law to comply with all the provisions and requirements of said association.

**Sue and be sued.**

**Constitution and by-laws.**

SEC. 6. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.



## AN ACT

To amend section one of an act entitled "An act to provide for the publication of the number of horses, cattle, sheep, hogs and other animals returnable for taxation," passed March 16, 1869 (O. L., vol. 66, p. 26).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be so amended as to read as follows:

Require-  
ments of  
county aud-  
itor.

Stock state-  
ment.

No compen-  
sation for  
publication.

Section 1. That the auditor of state be and he is hereby required to furnish annually hereafter, to the auditor of each county, a statement of the aggregate number of each of the following kinds of animals, to-wit: Horses, neat cattle, sheep, hogs, mules and asses, and that said statement be so furnished by the auditor of state on or before the first day of August in each year, which statement the several county auditors shall furnish for publication in their several counties on application of any person or persons publishing a newspaper therein, but for which publication the county shall in no case be liable to or make payment.

SEC. 2. That said original section one be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

## AN ACT

To create the office of court interpreter in certain judicial districts.

Appoint-  
ment of  
interpreter.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the judges of the court of common pleas of any judicial district where such district is situated in a city having, at the last federal census, a population of two hundred thousand inhabitants and more, to appoint a suitable person as interpreter, who shall be sworn to faithfully, honestly and impartially discharge his duties as an officer of said court.

Duties of  
interpreter.

SEC. 2. That said interpreter shall hold his office at the will of said court, and shall, under the direction of said court, or any judge thereof, interpret the testimony of witnesses, and translate any writing necessary to be translated in such court, or any cause therein, and perform such other services as may be required by said court or any judge thereof.

SEC. 3. That if in such cities there shall be located a superior, probate and district court, said interpreter shall, without any extra compensation, render such services as the

respective judges of said court may require of said interpreter.

SEC. 4. That said interpreter shall receive for his services a compensation to be fixed by the judges appointing him, not to exceed twelve hundred dollars per annum; and the auditor of the county in which such court is located, is hereby authorized to draw his warrant upon the county treasurer, who shall pay the same out of any fund not otherwise appropriated.

Compensation.

SEC. 5. The clerk of the court in any county having such interpreter, shall tax in the cost bill in every case, to be collected as other costs, the sum of three dollars per day for the services of such interpreter, where his services are required, and the said fees shall be paid into the county treasury to the credit of the county fund.

SEC. 6. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
W. H. CURTISS,  
*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To secure the collection of delinquent taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any personal taxes heretofore or hereafter levied, shall stand charged against any person or corporation, upon the tax duplicate of any county in this state, for state, county, city or any other purposes, authorized by law, and the same shall not be paid within the time prescribed by law for the payment of such taxes, the treasurer of such county, in addition to any other remedy provided by law for the collection of such personal taxes, is hereby specially authorized and empowered to enforce the lien of such taxes by commencing in any of the courts of the state having jurisdiction of the subject matter, a civil action in the name of the treasurer of such county against such person or corporation, for the recovery of such unpaid taxes; and it shall be sufficient, having made proper parties to the suit, for such treasurer to allege in his petition that the said taxes stand charged upon the said duplicate of said county against such person or corporation, that the same are due and unpaid thereon, and that such person or corporation is indebted in the amount appearing to be due on said duplicate, and such treasurer shall not be required to set forth in this said petition, any other or further special matter relating thereto, and said tax duplicate shall be received as prima facie evidence on the trial of said suit, of the amount and the validity of such taxes appearing due and unpaid thereon,

Authority of  
the treasurer.

Mode of procedure.

Judgment  
shall be ren-  
dered.

and of the non-payment of the same, without setting forth in his said petition any other or further special matter relating thereto; and if, on the trial of said action, it shall be found that such person or corporation is so indebted, judgment shall be rendered in favor of such treasurer so prosecuting said action as in other cases; and the judgment debtor shall not be entitled to the benefit of the laws for stay of execution or exemption of homestead, or any other property from levy or sale or execution in the enforcement of any such judgment.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

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#### AN ACT

To amend section one of an act entitled "An act to provide for the execution and supervision of the state printing and binding," passed and took effect March 24, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Section 1. That the secretary of state, the auditor of state, and the attorney general shall be ex officio commissioners of the public printing during their terms of office respectively.

SEC. 2. That original section one of said act be and the same is hereby repealed.

SEC. 3. That this act take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives,*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

## AN ACT

To amend an act entitled "An act to authorize the consolidation of railroad companies in this state with railroad companies of states adjoining, in certain cases, and to authorize railroad companies in this state to extend their roads into adjoining states," passed April 10, 1856, and took effect May 1, 1856 (S. & C., 327), as the same was amended by the act of May 6, 1869 (66 O. L., 127), and section two of the aforesaid act, passed April 10, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the aforesaid act of April 10, 1856, as amended May 6, 1869, be so amended as to read as follows:

Section 1. That whenever the lines of railroad of any railroad companies in this state, or any portion of such lines, have been [or] are being so constructed as to admit the passage of burthen or passenger cars over any two or more of such roads, continuously, without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation; and that it shall be lawful for any railroad company in this state, organized under the general or any special law, or which may hereafter be organized in this state, and whose line of road shall be made, or in process of construction, to the boundary line of the state, or to any point, either in or out of this state, to consolidate its capital stock with the capital stock of any railroad in an adjoining state, the line of whose road has been made or is in process of construction to the same point, and when the several roads so unite as to form a continuous line for the passage of cars: provided, that roads running to the bank of any river which is not bridged, shall be held to be continuous under this act.

Consolidation.

SEC. 2. That section two of the aforesaid act, passed April 10, 1856, and took effect May 1, 1856, be so amended as to read as follows:

Section 2. That said consolidation shall be made under the conditions and restrictions following, that is to say:

First. The directors of the several corporations may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof and their place of residence, the number of shares of the capital stock, the amount of each share, and the manner of converting the capital stock of each of the said companies into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies.

Joint agreement.

Second. Said agreement shall be submitted to the stockholders of each of the said companies, at a meeting thereof called separately for the purpose of taking the same into consideration; due notice of the time and place of holding

Mode of procedure.

such meeting, and the object thereof, shall be given, by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and also by a like notice published in some newspaper in the city or town where such company has its principal office or place of business; and at the said meeting of stockholders, the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share of stock on which have been paid all the installments called for by the board of directors entitling the holder thereof to one vote, and the ballots shall be cast in person or by proxy, and if two-thirds of all the votes cast at said meeting shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of each of said companies; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall be deemed and taken to be the agreement and act of consolidation of said companies; and a copy of said agreement and act of consolidation, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of said corporation.

SEC. 3. Section one of said act, passed April 10, 1856, as amended May 6, 1869, and section two of said original act, passed April 10, 1856, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To provide for obtaining and publishing reports of banks, savings institutions, and trust companies organized under the laws of this state.

Reports.

Time.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each and every banking institution, or incorporation engaged in the business of banking, organized under the laws of this state, shall make a report to the auditor of state, showing the condition thereof, before the commencement of business on the first Monday of the months of April and October of each year: provided, that institutions known as banking [building] or loan institutions, organized and conducted under the statutes for such institutions, and not doing a banking business, shall not be included in the provisions of this bill.

SEC. 2. That the auditor of state shall issue his requisition upon all banking institutions for the reports required to be made by section one of this act, a convenient number of days prior to the first day of April and October of each year, and each banking institution shall, upon receipt thereof, immediately forward to the auditor a balanced report of its condition, verified by the oath or affirmation of one or more of the officers of such institution, and shall also publish such report in full, at its own expense, in a newspaper issued at the place where the institution is located, or, if there be no newspaper in that place, then in the one nearest thereto; and any banking institution neglecting to make and transmit to the auditor of state and publish such report, shall, after the expiration of five days from the receipt of the requisition thereof, be subject to a penalty of thirty dollars for each day's delay, which penalty may be collected by a suit to be brought by the auditor of state, or by any creditor of the association, before any court of competent jurisdiction in the district wherein such banking institution may be located; and all sums of money collected for penalties under this section, shall be paid into the treasury of the state.

Balanced report of condition and publication of same.

Penalties.

SEC. 3. That all savings associations, banks, trust companies, savings banks, and other banking institutions having capital stock, shall report their resources and liabilities in the following form:

Report of the condition of "The \_\_\_\_\_," at \_\_\_\_\_, in the State of \_\_\_\_\_, before the commencement of business on the first Monday of \_\_\_\_\_, 187—.

DR.

CR.

Resources.	Dollars.	Cts.	Liabilities.	Dollars.	Cts.
1. Loans on real estate....			1. Capital stock paid in...		
2. All other loans and discounts.....			2. Surplus fund.....		
3. Overdrafts.....			3. Undivided profits.....		
4. United States bonds on hand.....			4. State bank notes outstanding.....		
5. State bonds.....			5. Dividends unpaid.....		
6. Other stocks, bonds, and mortgages.....			6. Individual deposits.....		
7. Due from other banks and bankers.....			7. Due to banks and bankers.....		
8. Real estate.....			8. Notes and bills redimanded.....		
9. Furniture and fixtures.....			9. Bills payable.....		
10. Current expenses.....					
11. Premium on bonds.....					
12. Cash items.....					
13. Gold coin, \$—; silver coin, \$—.....					
14. National bank notes.....					
15. United States notes.....					
Total.....			Total.....		

STATE OF \_\_\_\_\_  
County of \_\_\_\_\_  
Sworn to and subscribed before me this  
day of \_\_\_\_\_, 187—.

I, \_\_\_\_\_, of "The \_\_\_\_\_,"  
do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Cashier.

SEC. 4. All savings associations, savings banks, and other banking institutions having no capital stock, shall report their resources and liabilities in the following form:

*Report of the condition of "The \_\_\_\_\_," at \_\_\_\_\_, in the State of \_\_\_\_\_, before the commencement of business on the first Monday of \_\_\_\_\_, 187—.*

Dr.

Cr.

Resources.	Dollars.	Cts.	Liabilities.	Dollars.	Cts.
1. Loans on real estate.....			1. Individual deposits.....		
2. Loans on United States and State stocks.....			2. Due to banks and bankers.....		
3. Loans on other stocks and bonds.....			3. Undivided profits.....		
4. All other loans.....			4. Other liabilities.....		
5. United States bonds on hand.....					
6. State bonds on hand.....					
7. Other stocks and bonds.....					
8. Real estate.....					
9. Furniture and fixtures.....					
10. Expenses.....					
11. Due from banks and bankers.....					
12. Specie.....					
13. National bank and United States currency ..					
14. All other assets.....					
Total.....			Total.....		

STATE OF \_\_\_\_\_, County of \_\_\_\_\_,  
Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 18—.

I, \_\_\_\_\_, of "The \_\_\_\_\_,"  
do solemnly swear that the above state-  
ment is true, to the best of my knowledge  
and belief.

Cashier.

And such associations and banks shall also furnish, with their reports, the following information: The number of open accounts and the rate per centum of dividends or interest on deposit for the past year.

SEC. 5. That the October reports shall be compiled by the auditor of state and transmitted to the general assembly with his annual report.

SEC. 6. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

#### AN ACT

To amend section sixty-two of an act entitled "An act to provide for the reorganization and government of municipal corporations," passed May 7, 1869 (O. L., vol. 66, p. 160), as amended April 4, 1872 (O. L., vol. 66, p. 64).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-two of the above recited act; as

amended, be and the same is hereby amended so as to read as follows :

Section 62. All officers who are elected shall serve for two years, except in cities of the first class the civil engineer and city auditor shall serve for three years; and except further, that in cities of the first class, with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, the city solicitor shall serve for four years. All officers who are appointed shall serve for one year. All of said officers shall serve until their successors are elected, or appointed, and qualified.

SEC. 2. That said original section sixty-two, as amended, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

#### AN ACT

To require marshals of cities of the second class to keep a record of all the property that falls into their hands, and account for the same to the mayor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marshals of cities of the second class having a population of more than five thousand at the last federal census, shall keep a record of all articles or property, or goods of any kind which may fall into their hands by virtue of their office, together with the names of the persons from whom they obtained the same, the probable value of the article, and such other information as may seem to them necessary, in a book kept for that purpose. Said marshals shall permit all persons to examine said book at their pleasure; they shall hold all such goods or property subject to the order of the mayor, and dispose of the same as the mayor may direct, and when any such goods or property shall be sold by them, they shall forthwith pay all sums arising from such sale into the city treasury.

Records for  
information,

Open for in-  
spection.

SEC. 2. That the marshals of the said cities of the second class shall, within thirty days after this act takes effect, deliver to the mayor of his city a statement of all articles of goods or property which has [have] come into his hands by virtue of his office during his entire term of office, and shall state what disposition he has made of the same; said statement must be sworn to by said marshal, and he is hereby made responsible to the mayor for all such articles or their true value.



Sec. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

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AN ACT

To authorize the levy of taxes to rebuild or make repairs to county infirmary, or children's home buildings, when loss by fire, or other casualty, is sustained.

Rebuilding  
 and repair-  
 ing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any county infirmary building or buildings, or children's home building or buildings of any county in this state, built or in process of construction, have been heretofore, or shall be hereafter wholly or partly destroyed by fire, or other casualty, and such county shall be without adequate funds applicable to the purpose with which to rebuild or repair the same, the county commissioners of said county, for the purpose, and to enable them to rebuild or repair such building or buildings so destroyed or injured, be and they are hereby authorized, at any regular session of the board of commissioners, or called session thereof, for the purpose, to levy on the grand duplicate of the county a tax that will produce such a sum as shall be required for such purpose, not exceeding in any case ten thousand dollars; and whenever the county commissioners shall deem it advisable, they may anticipate the collection of such tax by borrowing any sum not exceeding the amount so levied, or to be levied, at any rate of interest not exceeding seven per cent. per annum, interest payable semi-annually, and may issue bonds for the sum so borrowed, payable when said tax shall be collected.

Taxes.

Anticipating  
 tax and issu-  
 ing bonds.

Sec. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 5, 1877.

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AN ACT

For the better management of orphan asylums.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county in this state, in which orphan asylums have been or may be established by law, such asy-

As to prop-  
 erty.

lums shall be capable of purchasing, taking, holding, and conveying any estate—real, personal, or mixed—that may be required for the uses and purposes of such asylums: provided, that no portion of such estate, or of the annual income thereof, shall be employed for any other purpose or for any other business than in providing for the support, maintenance, education, and putting into places such orphan children as may come into the charge of such asylums.

SEC. 2. That in any county in this state, in which orphan asylums have been or may be established by law, whenever it may become necessary to appoint trustees, directors, or other corporators of any such asylums, it shall be the duty of the probate judge of the said county, upon the petition and nomination in writing of the managers of any such orphan asylums, to appoint such trustees, directors, or corporators, who shall hold their office for the term of three years; and the trustees, directors, or corporators so appointed, shall have the management and control of the said asylum and its property in the same manner and to the same extent as the trustees of such asylums now or may have under existing laws: provided, that in any county containing a city of the first class having a population of two hundred thousand inhabitants and upwards at the last federal census, such appointment shall be made by the judges of the court of common pleas of said county, or a majority of them, upon application made for that purpose as prescribed in this section.

SEC. 3. Section one of the act entitled "an act for the better management of orphan asylums," passed March 11, 1853, is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 6, 1877.

Appoint  
trustees, di-  
rectors, or  
other incor-  
porators.

Term of  
office.

Judges of  
common  
pleas shall  
appoint in  
cities of the  
first class.

#### AN ACT

To authorize the votes of stockholders of certain incorporated companies to be cast by proxy. (See vol. 72, Ohio Laws, p. 39.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That at all meetings of stockholders of railroad companies, mining companies, insurance companies, and other corporations having a capital stock divided into shares, the vote of any stockholder not present may be cast by proxy.

SEC. 2. The act entitled "an act to authorize the votes of stockholders of certain incorporated companies to be cast by proxy," passed February 23, 1875, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

• Passed April 9, 1877.

#### AN ACT

To amend section eleven of an act entitled "An act authorizing and regulating arbitrations," passed February 17, 1831 (S. & C., p. 80).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven of the above entitled act be so amended as to read as follows:

Fraud or corruption.

Section 11. That if any legal defects appear in the award or other proceedings, or if it shall be made to appear, at the term of the court to which said award and arbitration bond are entered in said court, on oath or affirmation, that said award or umpirage was obtained by fraud, corruption, or other undue means, or that said arbitrators or umpire misbehaved, said court may set aside said award or umpirage, and may set the matters in controversy, submitted to said arbitrators or umpire, down for trial in such court, whereupon like proceedings shall be had, as far as applicable, as in cases reversed on petition in error, and the court may make such order as to costs as in the premises shall be just, or the court may make such other order on said award as may be just and right.

Costs.

SEC. 2. That section eleven of said original act, above recited, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

#### AN ACT

To amend section eleven of an act entitled "an act to amend sections one, two, four, five, six and eleven of an act entitled 'an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named,'" passed March 29, 1867; passed March 31, 1868 (S. & S., p. 673); passed April 17, 1873 (O. L., v. 70, p. 135).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven of the above entitled act be so amended as to read as follows:

Section 11. The commissioners shall have power to receive subscription and donations in money or property, real or personal, which shall be applied to the construction or improvement of said road; and the commissioners shall have the power to contract for and purchase such stone, gravel or other material as may be necessary for the construction and keeping in repair of said road; and if the commissioners and owner or owners of such stone, gravel or other material can not agree on a price deemed fair and reasonable, the commissioners may apply to the judge of the probate court of the county, or if such stone, gravel or other material shall be located in another county than that in which the road is located, then the commissioners of the county in which the road is located shall apply to the judge of the probate court of the county in which such stone, gravel or other material is located, to appoint appraisers to assess the value of said stone, gravel or other material, and thereupon an order shall be entered of record in the office of such probate court, directing that notice in writing shall be served by the said commissioners upon the person whose property is sought to be appropriated, not less than ten days before the further proceedings herein provided for shall be had, and such notice shall contain a brief description of property sought to be appropriated, and the use to which it is to be put, and the time when further proceedings shall be had; and upon the day so fixed it shall be the duty of the probate court before whom such application is filed, to appoint three disinterested freeholders, who, after being duly sworn to impartially assess the value of the said stone, gravel or other material, or any part of the same, shall enter upon the premises of the owner or owners of said stone, gravel or other material, and assess the value thereof; they shall also assess the damages that will accrue to the owner or owners of said stone, gravel or other material by the removal of the same through the premises of such owner or owners. The appraisers shall, within ten days after their appointment, return their award to the probate court, and the judge of the probate court shall, upon the return of said award, on application of the commissioners, furnish them a copy of said award, and also a copy to the owner or owners of such property; and thereupon, if neither party signify an intention to appeal to the court of common pleas, the probate court shall at once render a judgment for the amount of compensation and damages by such officers awarded, and order that upon payment of such sums and costs, such commissioners may enter upon the lands either inclosed or uninclosed, and remove such stone, gravel or other material as may be required to make such road. An appeal from the decision of the appraisers may be allowed to the court of common pleas, if taken within thirty days after the rendering such award. Either party desiring to appeal, shall give notice at the time, or within three days thereafter, of his intention to

**Powers of commissioners.**

**Appraisers to assess value of material.**

**Notice in writing.**

**Duties of probate court.**

**Compensation.**

**Appeals may be made.**

Bond of  
appellant

Jury.

appeal to the court of common pleas, and thereupon such probate court shall require such appellant to enter into a bond in such sum, not exceeding the value of the property sought to be appropriated, conditioned that such appellant shall perform the judgment of the court of common pleas, and pay all costs and damages, as may be adjudged or ordered by such court of common pleas, and when such bond shall be filed, the probate court shall send all the original papers in such proceeding, with a certified copy of the journal entries made in such cause; and in such court of common pleas a jury of twelve men shall be impaneled according to law to try and determine the amount of compensation and damages that shall be awarded, and such proceedings shall be had as is now provided by law for condemning private property for public use. But such appeal shall not prevent the immediate entry upon the premises by the commissioners, for the purpose of taking said stone, gravel or other material.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

#### AN ACT

To amend an act entitled "An act to amend an act entitled 'An act to enable the common council of any city or incorporated village in this state, having a population of twenty-five hundred inhabitants, or more, through which any of the canals of this state may run, or for the board of county commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village,' passed April 16, 1874 (O. L., vol. 71, p. 84)," passed March 29, 1875 (O. L., vol. 72, p. 110).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above entitled act be so amended as to read as follows:

Construction  
of bridges.

Section 1. That in all cases where it shall be deemed necessary to construct a bridge upon any street, road or public highway, across any of the canals in this state, in any city or incorporated village, having, by the last preceding federal census, a population of two thousand inhabitants, or more, it shall be lawful for the council of such city or incorporated village, or for the board of county commissioners of the county in which such city or incorporated village may be situate, and having lawful authority to construct or erect a bridge on such road, street, or public highway, where the same crosses such canal, to construct, erect, maintain, and

keep up for public use, a swing bridge, or self-closing bridge, upon such street, road, or public highway, at such place: provided, however, that no such bridge shall be so constructed or erected without first obtaining, for the model and location thereof, the consent, in writing, of the board of public works.

Consent of  
board of pub-  
lic works.

SEC. 2. That the above recited act be and the same is hereby repealed, and this act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

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#### AN ACT

Supplementary to the act entitled "An act regulating descents and the distribution of personal estates," passed March 14, 1853 (S. & C. 501), and to the various acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person, the relict of any deceased husband or wife, shall die intestate and without issue, possessed of any real estate, or personal property, which came to such intestate from any former deceased husband or wife, under the provisions of the second section of this act, to which this act is supplementary, then such estate, real and personal, shall pass and descend, one-half to the brothers and sisters of such intestate, or their legal representatives, and one-half to the brothers and sisters of such deceased husband or wife from which such personal or real estate came, or their personal representatives.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

To amend section one hundred and four of the act entitled "An act to establish a code of criminal procedure for the state of Ohio," and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and four of the act entitled

"An act to establish a code of criminal procedure for the state of Ohio," be so amended as to read as follows :

Assign counsel.

Section 104. That the court before whom any person shall be indicted for an offense which is capital, or punished by imprisonment in the penitentiary, is hereby authorized and required to assign such person counsel, not exceeding two, if the prisoner has not the ability to procure counsel, and they shall have access to the prisoner at all reasonable hours; and it shall not be lawful for the county auditor of any county in this state to audit or allow any account, bill, or claim hereafter presented by an attorney for services performed under the provisions of this act until said account, bill, or claim shall have been examined and allowed by the commissioners of the proper county, and the amount so allowed for such services, certified by said commissioners; provided, that the amount allowed in any case of homicide shall not exceed one hundred dollars, and in any other case fifty dollars; and, provided further, that no other further or different amounts shall be paid or allowed for such services under the provisions of any other law, and all laws or parts of laws inconsistent with this act are hereby repealed.

Commissioners shall certify bills.  
Fees.

Sec. 2. Original section one hundred and four (104). of the act hereby amended, as amended January 5, 1871, as amended February 20, 1874, and also the "act to amend section fourteen of an act directing the mode of trial in criminal cases, passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1864 (S. & C., 1183; Swan's R. S., 725; 59 vol. stat., 26; S. & S., 612), passed April 18, 1870," passed March 3, 1875 (O. L., vol 72, p. 46), and all of said acts are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

To amend section four of an act entitled an act to amend the act entitled "An act for the regulation of Turnpike Companies" (S. & C., page 337.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above recited act be amended so as to read as follows:

Section 4. That at any regular meeting of a turnpike company, when the road for which they were incorporated is completed, they may reduce the number of their directors to any number not less than three.

SEC. 2. That said original section four, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

Supplementary to an act entitled "An act to provide for the apportionment of trustees, and disposition of moneys, property and assets held in trust for building soldiers' monuments," and also supplementary to an act entitled "An act supplementary to an act to provide for the apportionment of trustees, and disposition of money, property and assets held in trust for building soldiers' monuments" (O. L. 68, 122; O. L. 72, 60.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any building has been erected in this state by and under the provisions of the act to which this is supplementary, and said building is in an incomplete condition, and can not be completed for the want of funds collected and authorized to be collected by the provisions of said acts, that the trustees of such soldiers' monumental building association be and they are hereby authorized to issue the bonds of such association, in any sum not exceeding five thousand dollars, and apply the proceeds arising from the sale of said bonds to the completion of such building.

Issue bonds.

SEC. 2. Said bonds shall be issued in such sums, and made payable at such times as will, in the opinion of said trustees, best subserve the negotiation of the same, and shall bear interest at eight per centum per annum from date of issue. interest payable semi-annually: provided, that the aggregate amount of said bonds shall not exceed the said sum of five thousand dollars, nor shall any of said bonds run for a longer time than ten years from the date of the first issuance.

Interest.

SEC. 3. Said bonds shall be signed by the president of said board of trustees, and countersigned by the secretary or clerk thereof.

SEC. 4. In order to provide for the payment of said bonds, and the interest thereon, the said trustees shall apply the proceeds arising from the rent of such building (after deducting the current expenses) to the payment of the same.

SEC. 5. Said bonds shall not be sold for less than par.



SEC. 6. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

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AN ACT

To amend section thirty of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 4, 1865 (S. & S, 692, vol. 62, p. 35.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the thirtieth section of an act passed January 27, 1853, entitled "an act for opening and regulating roads and highways," as amended March 4, 1865, be amended so as to read as follows:

Section 30. That if any person or persons shall, for the convenience of themselves and neighbors, wish to have any township road laid out, from the plantation or dwelling place of any person or persons, or from any mill or house of public worship, or to any cemetery or burial ground, or to any public road, or from one public road to intersect another, or from any tract or tracts of wild or timber land, or from any railroad station, to any township, county or state road, or saw mill, it shall be lawful for such person or persons to petition the trustees of the proper township, after giving thirty days' previous notice thereof, by advertisement posted up at three public places within said township, setting forth in said advertisement the time when said petition is to be presented, the place of beginning, intermediate points, if any, and the place of termination of said road.

SEC. 2. That said section thirty, as amended March 4, 1865, be and the same is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

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AN ACT

Authorizing the organization of common carrier companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, may

associate and become a body corporate, with the powers in this act granted, upon complying with requirements thereof.

SEC. 2. The persons so associating shall, under their hands and seals, make a certificate, which shall specify as follows:

*First*—The name to be assumed by the corporation, and by which it will be known.

*Second*—The amount of capital stock necessary, and the amount of each share.

*Third*—The name of the place and county in which the principal office of the company will be kept.

*Fourth*—That the purpose of associating is to become a common carrier company.

Said certificate shall be acknowledged before a notary public or justice of the peace, and certified by the clerk of the court of common pleas, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office, and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such corporation.

SEC. 3. When the foregoing provisions have been complied with, the persons named as corporators in said certificate, their associates, successors and assigns, shall be deemed a body corporate; and said corporation shall have power to make and use a common seal, and the same to alter and renew at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, and acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation.

SEC. 4. Said corporation shall also have the following powers:

*First*—To make all contracts that it shall be lawful for natural persons to make, for the carriage of persons and the storage, forwarding, carriage and delivery of property, but subject to the same liabilities.

*Second*—To lease and to hold and operate any line of railway and its appendages, either before or after its completion, owned by a municipal corporation of this state, and any railway connected therewith lying without this state, and such portion of any railroad within this state as may be necessary for the convenient dispatch of the business of the corporations organized under this act.

*Third*—To construct or complete and equip any railway and its appendages which it is authorized to lease.

*Fourth*—To borrow money, not exceeding its authorized capital stock, at a rate of interest not exceeding seven and three-tenths per cent. per annum, and execute bonds or promissory notes therefor, payable in gold or lawful money, in sums of not less than one hundred dollars, and, to secure the payment thereof, may mortgage or pledge its property, then or thereafter acquired, and its income and franchises,

To lease and  
to hold and  
operate lines.

To borrow  
money.

including the franchise of being a corporation; provided, that no mortgage bonds shall be sold at less than par in lawful money, without the consent of a majority in interest of the stockholders, given at a meeting of the stockholders, or in writing.

**Management.**

SEC. 5. The business and property of such corporation shall be managed and conducted by a board of directors, consisting of not less than five stockholders, who shall be chosen, except at the first election, after such notice and at such time and place within the county where the principal office of the company is kept, and for such term as shall be provided by the by-laws. Immediately after their election the directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem necessary. They shall have power to make such rules and regulations and by-laws as may be necessary for the management of the affairs of the corporation.

**Subscriptions to capital stock.**

SEC. 6. Subscriptions to the capital stock shall be paid in such installments, at such times and places, and to such persons as may be required by the board of directors. Each share shall be the personal property of the holder, and shall entitle him to one vote at all elections and meetings of the stockholders, to be given in person or by proxy.

**Liability of stockholders.**

SEC. 7. The stockholders of every corporation organized under this act, shall be liable for the dues of the same, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum equal in amount to such stock.

**Open books for subscriptions.**

SEC. 8. The persons named in the certificate of incorporation, or any committee of them, not less than three, shall be commissioners to open books for subscriptions to the capital stock at such time and place as they shall deem proper, after giving ten days' notice by publication in some newspaper of general circulation in the county in which the company's principal office is to be kept. Full and equal opportunity shall be given to all persons desiring to subscribe for stock to do so, and in case more than the authorized capital shall be subscribed, a proportional allotment, omitting fractions, shall be made among the subscribers. Upon ten per cent. of the stock being subscribed, said commissioners shall give notice, by ten days' publication as hereinbefore provided, to the stockholders to meet at a time and place to be designated, and hold an election of directors, who shall continue in office until the time fixed for the annual election and until their successors are chosen and qualified.

**Election of directors.**

SEC. 9. Any company heretofore or hereafter incorporated or organized under the laws of this state, may subscribe for or become the owner of stock in the corporations authorized by this act; Provided, that before any such subscriptions shall be made, the directors of the company subscribing shall be authorized to make the same by a vote of the major-

**Consent of stockholders.**

ity in interest of the stockholders, or obtain their consent thereto in writing.

SEC. 10. Whenever any company organized under this act shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority in interest of the stock, file with the secretary of state a certificate setting forth the amount of such desired increase, and thereafter such company shall be entitled to have such increased capital as fixed by said certificate.

To increase  
capital  
stock.

SEC. 11. Any association or company of not less than five persons, formed for the purpose of being a common carrier company, may be organized into a corporation pursuant to the provisions of this act, with the same powers, privileges and rights as if originally organized and incorporated under the same.

SEC. 12. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

To amend an act entitled "An act to authorize trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867 (S. & S., page 912).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township of this state, are hereby authorized and empowered to select and appropriate any lands within the limits of said township, suitable for cemetery purposes, not exceeding ten acres, and said trustees of such township shall be governed in their proceedings in appropriating said lands by the provisions of the act entitled "An act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and of all act [acts] amendatory thereto: provided, that no land shall be appropriated under the provisions of this act until the court shall be satisfied that suitable premises can not be obtained by contract upon reasonable terms; and no lands shall be appropriated upon which there may be any dwelling-house, barn, stable, or other farm building, or upon which there shall be any orchard or nursery, or any valuable mineral or other medicinal spring, or any well actually yielding oil, or salt water, nor shall any land be appropriated within two hundred yards of any dwelling-house, unless the owner or owners of such dwelling-house shall give

Appropriate  
lands for  
cemetery  
purposes.

his, her, or their consent in writing, which writing shall be placed on file in said court.

SEC. 2. That the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR.

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

#### Reports.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the cashier of each bank or banking association, located in this state, whether incorporated or organized under the laws of this state, or of the United States, to make out and return to the auditor of the county, on or before the second Monday of May, annually, a report in duplicate, under oath, exhibiting in detail, and under appropriate heads, the resources and liabilities of such bank or banking association, at the close of business on the first Wednesday after the first Monday of May preceding such report, together with a full statement of the names and residences of the stockholders therein, with the number of shares held by each, and the par value of each share.

#### Duties of auditor.

SEC. 2. It shall be the duty of the auditor of the county in which such bank is located, to assess the value of the shares of such banks according to their true value in money, from which deductions shall be made as required by the fifth section of the act entitled "An act to provide for the taxation of bank shares and bankers," passed April 16, 1867, and immediately after he shall have so determined and assessed the value of the shares of such bank or banking association, to make out and transmit to the annual board of equalization of the county in which such bank is situated, a copy of the statement made and returned by the cashier of such bank or banking association, together with the valuation of such shares for taxation, as determined by such county auditor.

#### Powers of board of equalization.

SEC. 3. The board of equalization designated in section two, shall have power to hear complaints, and shall equalize the valuation of the shares of such bank or banking association, so fixed and determined by said county auditor, and with full authority to equalize said shares according to their true value in money.

SEC. 4. When said board of equalization, designated in section two of this act, shall have equalized and determined

the valuation of the shares of such bank or banking association, it shall be the duty of the auditor of the county in which such bank or banking association is situated, to make out and transmit to the auditor of state a copy of the statement made to him by the cashier of such bank or banking association, together with the valuation of the shares for taxation, as equalized and determined by the board of equalization designated in section two of this act.

SEC. 5. That the auditor of state, treasurer of state, and attorney-general shall constitute a board of equalization of the shares of such banks or banking associations of this state, as fixed and determined by the several county auditors and county boards of equalization, for the purpose of taxation, under the provisions of said act; said board shall meet on the third Tuesday of June, at the office of the auditor of state, in Columbus, and shall have power to hear complaints and to equalize the valuation of the shares of such banks or banking associations, as fixed and determined by the several county auditors or county boards of equalization under said act; not, however, increasing or decreasing the aggregate value of the amount returned by the county auditors or county boards of equalization, more than one hundred thousand dollars.

SEC. 6. The auditor of state shall, forthwith, after such equalization shall have been made by said board, certify to the auditor of the proper county the valuation of the shares of such bank or banking association as equalized by said board, and said shares shall thereupon be charged with the taxes upon the duplicate at such valuation for said year.

SEC. 7. That the act entitled "An act to provide for the equalization of the valuation of bank shares for taxation," passed April 12, 1876 (O. L., vol. 73, p. 251), be and the same is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

State board  
of equaliza-  
tion.

Meeting of  
board.

Auditor of  
state shall  
certify.

#### AN ACT

To inquire into the causes of, and means, of prevention and cure of diseased animals.

WHEREAS, For several years past there has been a contagious or epidemic disease prevailing among the live stock in different parts of the state, more particularly among the swine, destroying many thousands of those valuable animals

annually, estimated in value at from two hundred and fifty thousand to five hundred thousand dollars; and,

WHEREAS, Such disease is still on the increase, threatening not only one of the great industries of the state, but also the health and lives of consumers of hog product; therefore,

Appoint  
commission-  
ers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is hereby required to appoint two commissioners, who shall hold their office for one year, and shall receive for their services eight dollars per day, for the time actually employed, not to exceed sixty days each, to be paid out of the state treasury; such persons shall be appointed who are qualified and competent to make the necessary examination into the cause, nature, and character of the disease known as hog cholera.

Duties of  
commission-  
ers.

SEC. 2. It shall be the duty of the commissioners to fully investigate into the cause, pathology, and best means for prevention and cure of any epidemic diseases affecting the live stock of the state, and for this purpose they are required to visit any portion of the state where such diseases prevail, and shall have authority to employ such agencies, and to do, or cause to be done, such acts as they may deem necessary to further the purposes of the commission.

SEC. 3. The commission shall report, from time to time, the result of their labors to the governor, who shall lay the same before the legislature at its next session.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

To amend sections one, two, and three of an act entitled "An act requiring township assessors to ascertain the number of sheep killed and injured by dogs (S. & C., page 87).

Duties of  
township as-  
sessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, and three of the above recited act be amended so as to read as follows:

Section 1. That it shall be the duty of each township assessor in this state, at the time of taking lists of chattel property for taxation in each year, to require each person in their several townships to make a statement, specifying the number of sheep killed by dogs; and, also, the number of hogs that have died from any epidemic or contagious diseases in his district during the preceding year, together with the value of the sheep killed and the estimate of the injury done; and, also, the value of hogs that have died from any

contagious or epidemic diseases, and the assessors are required to make such return of the aforesaid statement to the county auditor of their respective counties at the time of returning the lists of chattel property for taxation.

Sec. 2. That it shall be the duty of the auditor of each county to furnish to the assessors of their respective counties such blanks as may be necessary for taking the aforesaid statements, and said county auditors shall, as soon as possible after the aforesaid statements are returned to him, make out and forward to the auditor of state, a statement showing the number of sheep so killed and injured, and the number of hogs lost by disease as aforesaid, and the aggregate loss sustained thereby in each township in their respective counties.

Duties of  
county audi-  
tor.

Sec. 3. And it shall be the duty of the auditor of state, on receipt of the statement aforesaid, to make out and furnish to the secretary of the state board of agriculture, to be by him published in the annual report of said board, a statement, showing the number of sheep killed and the number injured respectively; also, the number of hogs that have died as aforesaid, in each county, and the aggregate loss in each county sustained thereby.

Duties of  
auditor of  
state.

Sec. 2. That said original sections one, two, and three be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

Supplementary to "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840 (S. & C., p. 566).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any heir or creditor of a deceased person, or any person who has purchased, or claims to hold, by purchase or otherwise from such heir, any lands or other property inherited by such heir from such decedent, shall file in the probate court of the county in which administration is taken out on any estate, a written requisition on the administrator or executor, to disallow and reject any claim presented for allowance, and which has not been paid in full, and shall enter into an undertaking, with sufficient surety, to be approved by the probate judge, conditioned to pay all costs and expenses of contesting such claim, in case it shall be finally allowed, such claim shall, in such case, be disallowed and rejected by such administrator or executor, and the holder of such claim shall be required, within six months after such

To disallow  
claims.



Action  
against ad-  
ministrator  
or executor.

rejection of such claim, to bring his action against such administrator or executor, as the case may be, to enforce such claim, and if he recover, the judgment shall be against the said administrator or executor, as the case may be, and in such action, such heir, creditor, or other person claiming to hold such property, shall be made a party defendant with such administrator or executor, and shall have the right to plead and make any defense to such action which such administrator or executor could make; whenever such written requisition and undertaking shall be so filed in the probate court, the probate judge shall at once notify such administrator or executor thereof; and such administrator or executor shall thereupon at once notify the holder of such claim that such claim is rejected and disallowed; and if the proceedings shall have been commenced to sell the lands of such decedent to pay such claim, such proceedings shall be stayed, and no further order or decree taken therein, until after the validity of such claim shall have been determined.

SEC. 2. That this act shall take effect and be in force from and after its passage, and shall apply to all cases and proceedings now pending.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

Making partial appropriations for the year 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any money in the treasury, to the credit of the asylum fund, and not otherwise appropriated, the sum of thirty thousand dollars, for payment on certain existing contracts for the Columbus hospital for the insane.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

Prescribing the rate of taxation for county, bridge, road, and township purposes, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners are hereby author-

ized, annually, at their June session, to levy on each dollar of the taxable property of their respective counties, as valued and entered on the list of taxable property of such county, taxes at the rates herein specified, namely:

For all county expenses, other than expenditures for roads, bridges, county buildings, sites therefor, and the purchase of lands for infirmary purposes, where the amount of such taxable property does not exceed three millions of dollars, not to exceed five mills; where the amount of such taxable property exceeds three millions and does not exceed five millions of dollars, not to exceed three and five-tenths mills; where the amount of such taxable property exceeds five millions and does not exceed eight millions of dollars, not to exceed two and five-tenths mills; where the amount of such taxable property exceeds eight millions and does not exceed eleven millions of dollars, not to exceed one and eight tenths mills; where the amount of such taxable property exceeds eleven millions of dollars and does not exceed fifteen millions of dollars, not to exceed one mill and five-tenths of a mill; where the amount of such taxable property exceeds fifteen millions and does not exceed twenty-five millions of dollars, one mill and three tenths of a mill; where the amount of said taxable property exceeds twenty-five millions of dollars and does not exceed seventy millions, one mill and one-tenth of a mill; where the amount of said taxable property exceeds seventy millions and does not exceed one hundred millions, seven-tenths of a mill; and where the amount of such taxable property exceeds one hundred millions, six-tenths of a mill.

Rates of taxation and limitations.

For the purpose of building county buildings, purchasing sites therefor, and lands for infirmary purposes, where the amount of such taxable property does not exceed three millions of dollars, four mills and five-tenths; where the amount of such taxable property exceeds three millions and does not exceed five millions of dollars, three mills and eight-tenths of a mill; where the amount of such taxable property exceeds five millions and does not exceed eight millions of dollars, three mills; where the amount of such taxable property exceeds eight millions of dollars and does not exceed eleven millions of dollars, two mills; where the amount of such taxable property exceeds eleven millions of dollars and does not exceed fifteen millions of dollars, not to exceed one mill and five-tenths of a mill; where the amount of such taxable property exceeds fifteen millions and does not exceed fifty millions of dollars, not to exceed one mill; where the amount of such taxable property exceeds fifty millions, not to exceed six-tenths of a mill. The commissioners of Hamilton county may levy a tax not exceeding three-tenths of one mill on the dollar of the taxable property of said county, to aid in the support of the Longview asylum.

Bridges and infirmary purposes.

Sec. 2. That the commissioners of the respective counties in the state, are hereby authorized, at a special session in

Fine and tax  
levy for road  
and bridge  
purposes.

Auditor shall  
place same  
on tax dupli-  
cate for col-  
lection.

Authority of  
board of com-  
missioners,  
rates of tax-  
ation and  
limitation  
thereon.

Commission-  
ers shall set  
apart a por-  
tion of taxes  
levied.

May, 1877, to levy a tax for road and bridge purposes, as follows: In counties where the taxable property exceeds the sum of one hundred and twenty millions of dollars, not more than six-tenths of one mill; and in counties where the taxable property exceeds the sum of eighty millions of dollars and less than one hundred and twenty millions of dollars, not more than one mill; in counties of fifty millions of dollars of taxable property and less than eighty millions, not more than one mill and four-tenths of a mill; in counties of less than fifty millions of dollars of taxable property and more than twenty millions, not more than two mills; in counties where the taxable property is less than twenty millions of dollars and over ten millions, not more than three mills; in counties where the taxable property is less than ten millions of dollars and over five millions, not more than six mills; in counties where the taxable property is less than five millions of dollars, not more than ten mills; and the auditor of the county shall place the same on the tax duplicate for the year 1877, and divide the same equally—one-half to be collected in the installment of taxes due December 20, 1877, and the other half to be collected in the installment due June 20, 1878. And thereafter, at their March session, annually, the board of commissioners are authorized by this act to levy a tax for the above mentioned purposes, as follows: In counties where the taxable property exceeds the sum of one hundred and twenty millions of dollars, not more than three-tenths of one mill; and in counties where taxable property exceeds the sum of eighty millions of dollars and less than one hundred and twenty millions of dollars, not more than five-tenths of a mill; in counties of fifty millions of dollars of taxable property and less than eighty millions of dollars of taxable property, not more than seven-tenths of one mill; in counties of less than fifty million of dollars of taxable property and more than twenty millions, not more than one mill and one-tenth of a mill; in counties where the taxable property is less than twenty millions of dollars and over ten millions, not more than one and five-tenths mills; in counties where the taxable property is less than ten millions of dollars and over five millions, not more than three mills; in counties where the taxable property is less than five millions of dollars, not more than five and five-tenths mills; and the auditor of the county shall place the same on the tax duplicate of the current year, to be included in and collected in the June installment of taxes, except as otherwise provided by law. The county commissioners shall set apart such portions of the road tax by them levied as they may deem proper, to be applied to the building or repairing of bridges in their respective counties, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county by the auditor of the county, in a separate column from the other levies for road purposes, and shall be collected in money and expended, ex-

cept as may be otherwise provided by any local law heretofore enacted, under the direction of the commissioners of the county, in the building or repairing of bridges and culverts, or both, in their respective counties: provided, that in case an important bridge belonging to or maintained by any county, has been or may hereafter become dangerous to public travel, by decay, or otherwise, and the restoration thereof may be necessary for the public accommodation, the commissioners of such county may levy a special tax for that purpose not exceeding one and one-half mill on the dollar of the taxable property of such county, the proceeds of which tax shall be applied solely to restoration of such bridge or bridges; and the commissions may anticipate the collection of such tax by borrowing any sum not exceeding the amount so levied, or to be levied, at any rate of interest not exceeding eight per cent., and issue notes or bonds therefor, payable upon the collection of such tax: provided further, that nothing herein contained shall affect the right of city councils to receive and expend the proportion of levies herein, as authorized by the six hundred and forty-first section of the municipal code.

SEC. 3. The county commissioners of any such county shall not levy any tax, or appropriate any money, for the purpose of building public county buildings, purchasing sites therefor, or for lands for infirmity purposes, or for building any bridge, except in case of casualty, as provided for in section two, the expenses of which shall exceed ten thousand dollars, without first submitting to the qualified voters of said county, the question as the policy of building any public county building or buildings, or for purchasing sites therefor, or for the purchase of lands for infirmity purposes by general tax, which said submission shall be made at the annual fall election in October, A.D. 1877, or annual fall election thereafter; each proposition shall be separately submitted, and printed tickets shall be provided by the said county commissioners, on which shall be printed, "For — tax, yes;" which blank shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election for state and county officers. It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted as aforesaid, on the day of the annual fall election, A.D. 1877, or at any fall election thereafter, to open a poll for taking said vote, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall, in all respects, be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury on the order of the auditor; and

Special tax  
for dangerous  
bridges.

May anticipate  
tax.

Rights of  
city councils.

Large improvements  
shall be submitted to the  
qualified voters of the  
county.

Time for submitting  
proposition.  
Printed tickets.

Notice of  
election.  
Duties of  
judges, and  
time for  
counting  
votes.

Counting of  
votes.

On petition  
of tax-pay-  
ers, may  
again submit  
the question.

the poll-books so returned shall, within five days from the day of holding such election, be opened and the votes counted by the commissioners and auditor of the county; a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection. If the majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred tax-payers of said county, again submit the same question at any regular annual fall election, under the same rules and regulations as before provided. If at any such election a majority shall be found in favor of the improvements as aforesaid, then the commissioners shall be authorized to proceed to levy the tax as provided for in this section, and for the purpose of said improvement: provided, that this section shall not apply to the construction of any public buildings or bridges commenced or contracted for prior to the passage of this act, or for which the commissioners have, in good faith, purchased the ground, or acquired materials for the same, and are now proceeding, during the present season, with all convenient dispatch to construct.

#### ADDITIONAL POOR TAX.

Poor tax  
six-tenths of  
a mill.

SEC. 4 That the county commissioners are hereby authorized, in case the ordinary revenues of the county shall prove insufficient for the support of the poor, to levy and collect a poor tax, not exceeding six-tenths of one mill on the dollar of the valuation of the property in such county taxable for state and county purposes, to be entered on the grand list and collected as other taxes.

#### TOWNSHIP TAXES.

Township  
tax levies.

SEC. 5. There shall be levied, annually, for township purposes, including the relief of the poor, but not including the support of common schools, or the payment of the interest and principal of the debts of the township, such rates of taxes as the trustees of the respective townships may certify to the county auditors to be necessary, not exceeding one mill on each dollar of the taxable valuation of the property of the township which does not exceed two hundred thousand dollars, and eight-tenths of one mill on each dollar of such taxable valuation exceeding two hundred thousand dollars and not exceeding three hundred thousand dollars; and one-half of one mill on each dollar of taxable valuation exceeding three hundred thousand dollars and not exceeding five hundred thousand dollars; and one-fourth of one mill on each dollar of such taxable valuation exceeding five hundred thousand dollars: provided, that in counties where there are no county infirmaries, a further township tax, not exceeding two-fifths of a mill on each dollar of the taxable property of

the township, may be levied for the relief of the poor, to be applied solely to that purpose.

SEC. 6. The trustees of any township which has incurred, or may hereafter incur, liabilities for the relief of the poor, beyond the amount raised by the levy now authorized, shall have power to make an additional levy for the purpose of discharging such liabilities, not exceeding six-tenths of one mill on the dollar of the taxable property of such township.

Township liabilities for relief of the poor.

SEC. 7. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied on the taxable property of their respective townships, not exceeding one mill on the dollar, except in counties where the taxable property is less than ten millions, in which counties the trustees of the different townships thereof may, at their discretion, levy an additional road tax, not to exceed five mills on the dollar valuation of the taxable property of their said townships; but where a township shall include an incorporated village, the rate of tax so fixed by said township trustees, shall not apply, or be assessed or collected from the property included within the incorporated limits of such village; but the council of any such village shall exercise the right conferred by this act on the trustees of said townships, to make said additional levy for road purposes on the taxable property within the corporate limits of any such village, as trustees may by this act make for road purposes in their respective townships; and said trustees and council shall certify the same to the county auditor, in writing, on or before the first Monday of June, each year; and the auditor of the county shall assess the same on all the taxable property in the said township or village, and the same shall be collected in the June installment, excepting that, for the year 1877, said tax shall be divided equally—one-half to be collected in the December installment of 1877, and the other half to be collected in the June installment of 1878, and paid out as other taxes, except as is provided especially by law.

Additional road tax.

Council shall exercise rights of trustees.

Time for collecting taxes.

SEC. 8. Any person charged with a road tax may discharge the same by labor on the public highways within the time designated in this act, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implements furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person; and the county treasurer shall receive all such certificates as money in the discharge of said road tax: provided, that when the commissioners of any county so direct, the supervisor shall write on the margin of his lists, opposite to the amount charged against all such as may pay the same by money or

Labor on public highways.

County treasurers shall receive certificates as money for road tax.

Money or labor.

Collection of unpaid road tax.

Expenditure of funds.

labor, the word, "Paid," and shall return his list on or before the fifteenth day of June of the succeeding year to the township clerk, who shall write on the margin of the list sent him by the auditor, opposite to the amount charged against each person who may have paid the same in labor or money, as shown by the the returns of the supervisor, the word, "Paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid, as shown by the returns of the township clerk, upon the duplicate of the proper county, and the same shall be collected as other moneys are collected by the county treasurer. When said road tax is paid in labor, such labor shall be performed in the year 1877, before the fifteenth day of August next, and thereafter said labor shall be performed between the first day of August and the fifteenth day of June the following year. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which the same were collected, and shall be expended on the public roads, and in building and repairing bridges, as hereinbefore provided, in the township and municipal corporation from which the said taxes were collected, under the direction of the trustees of the proper township or council of such municipal corporation; and all funds heretofore levied for road purposes, and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected, as other taxes collected under the provisions of this act.

SEC. 9. That an act entitled an act to amend section twenty-one of an act, passed April 8, 1868, entitled an act to amend sections eighteen and twenty-one of the act relating to roads and highways, passed March 9, 1868 (O. L., vol. 65, page 78), passed April 24, 1869 (O. L., vol. 66, page 51), and an act entitled an act prescribing the rate of taxation for county, bridge, road, and township purposes, passed May 1, 1871 (O. L., vol. 68, p. 116); also, an act entitled an act to amend an act entitled an act prescribing the rate of taxation for county, bridge, road, and township purposes, passed May 1, 1871 (O. L., vol. 68, page 117), passed April 26, 1872 (O. L., vol. 69, p. 113), be and the same are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

## AN ACT

To amend section twenty of an act entitled "An act for the assessment and taxation of property in this state, and for the levying taxes thereon according to its true value in money," passed April 5, 1859. (S. & C., p. 1447).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty of the above recited act be so amended as to read as follows:

Duties of township assessors.

Section 20. Each township assessor shall, on or before the third Monday of May, annually, make out and deliver to the auditor of his county, in tabular form and alphabetical order, a list or lists, of the names of the several persons, companies, or corporations, in whose name any personal property, moneys, credits, investments in bonds, stocks, or joint stock companies, or otherwise, shall have been listed in his township, and he shall enter separately in appropriate columns, opposite each name, the aggregate value of the several species of personal property enumerated in the seventh section of this act, as attested by the person required to list the same, or as determined by the assessor, making separate lists of persons residing out of an incorporated town, and of persons who are residents of any incorporated town, or who are residents of any special or separate school district; the columns shall be accurately added up, and in every case where any person whose duty it is to list any personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, for taxation, shall have refused or neglected to list the same when called on for that purpose by the assessor, or to take and subscribe an oath or affirmation, in regard to the truth of his statements of personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person, in an appropriate column, the words, "refused to list, or "refused to swear," and in every case where any person required to list property for taxation, shall have been absent or unable from sickness to list the same, the assessor shall enter opposite the name of such person, in an appropriate column, the word "absent" or "sick."

When persons refuse to list property.

SEC. 2. That said section twenty, be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.



## AN ACT

To amend section eighteen of an act relating to roads and highways, passed March 9, 1868. (O. L., vol. 65, page 19.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen of the above act be amended so as to read as follows:

Additional  
road tax and  
per centum.

Greater lev-  
ies must be  
submitted to  
voters.

Auditor's  
duty.

Section 18. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships, not exceeding three mills on the dollar; and also determine what amount is necessary to be levied for the purpose of cutting down hills and filling low places and making repairs that may be necessary by reason of any casualty that may occur in the public highways of their respective townships, which shall not in any one year exceed the sum of two hundred dollars, unless the question of a greater levy be submitted to a vote of the qualified voters of the township at a special election called by the trustees for the purpose, and if a majority of the qualified voters at such election shall vote in favor of levying the increased taxes, for the purposes aforesaid, said board of trustees shall certify the same to the county auditor in writing, on or before the first Monday of June in each year, and the auditor of the county shall assess the same on the taxable property in the township, not included in any city or incorporated village, and the same shall be collected in the December installment, and paid out as other taxes, except as hereinafter provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 20, 1877.

## AN ACT

To regulate the Ohio agricultural and mechanical college in Ohio, and to repeal certain acts therein named.

Appointment  
of board of  
trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That immediately after the passage of this act, the governor, with the advice and consent of the senate, shall appoint a board of trustees of the Ohio agricultural and mechanical college, located at Columbus, Ohio. Said board shall consist of one from each congressional district of the state of Ohio. The government of said college shall be vested in said board of trustees. The governor shall

have power to make said appointments when the senate is not in session, and in case the senate is not in session at the time of making said appointments, the trustees so appointed shall proceed to act upon the certificate of the governor, and such nomination shall be submitted to the senate at its next session.

SEC. 2. The members of said board of trustees, and their successors, shall hold their office for the term of six years each: provided, that at the first regular meeting of said board, the members thereof shall determine by lot their respective terms of office, so that, as nearly as may be, one-third shall hold their office for two years, one-third for four years, and one third for six years from the date of the first meeting of the board, or until their successors are appointed and qualified. In case a vacancy occurs, by death, resignation, or otherwise, the appointment shall be for the unexpired term. The trustees shall receive no compensation for their services, but they shall be entitled to their reasonable and necessary expenses while occupied in the discharge of their official duties. No trustee, nor relation of any trustee by blood or marriage, shall be elected or appointed to a professorship, or any other official position in the college, or to any place of trust in connection with any monetary interest of the college, the compensation of which is to be paid out of the state treasury, or the agricultural and mechanical college fund, except upon the approval of the governor.

SEC. 3. The said board of trustees shall annually appoint an executive committee, to consist of not less than three nor more than five of their own number, who, when the said board is not in session, shall have the management and control of the affairs of said college, under the direction of said board, and they shall furnish to the board, at every regular meeting thereof, or oftener if required by said board, a full report of their proceedings in the management and control of said college.

SEC. 4. The board of trustees shall have power, and it is hereby made their duty, to secure and keep in the said college a collection of specimens in mineralogy, geology, zoology, botany, and other specimens pertaining to natural history and the sciences; and it shall be the duty of the chief geologist of the state to collect and deposit in the said college, in such manner as shall be directed by the trustees, a full and complete set of specimens as collected by him and his assistants, together with a brief description of the character of the same, and where obtained; and the said specimens shall be properly classified and kept for the benefit of said college.

SEC. 5. The first meeting of the members of the board shall be called by the governor, as soon after the appointment of said board as he may deem advisable, to be held at the said college, in Columbus, Ohio. All succeeding meetings shall be called in such manner and at such times as the board may prescribe. The said board shall meet at least

Term of  
office.

Compensation.

Relatives  
shall not be  
appointed.

Executive  
committee.

Powers and  
duties of  
board of  
trustees.

Meeting of  
board.

once annually, and at such other times as they may think necessary for the best interests of the said college: provided, however, that said meetings shall not exceed two in any one year. A majority of the board of trustees present at any meeting shall constitute a quorum to do business: provided, it shall require a majority of all the board to elect or remove a president or professor.

**Report to the  
governor.**

SEC. 6. The board of trustees shall cause to be made, on or before the first day of January of each year, a report to the governor of the condition of said college; the amount of receipts and disbursements, and for what the disbursements were made; the number of professors, teachers, and other officers, and the position and compensation of each; the number of students in the several departments and classes, and the course of instruction pursued in each; also, an estimate of the expenses of the ensuing year; a statement showing the progress of said college, recording any improvements and experiments made, with their costs, and the results, and such other matters as may be supposed useful. There shall be printed, under the provisions of section seven (7) of the act passed March 30, 1875 (O. L., vol. 72, page 179), in pamphlet form, one thousand copies of said report for the general assembly, one thousand for the president and faculty of said college, and three thousand copies for distribution by the trustees in their several districts, in such manner as they shall deem best for the interests of said college. The president of said college shall transmit by mail, one copy to the secretary of the interior, and one copy to each of the colleges which are or may be endowed under the provisions of the act of congress of July 2, 1862.

**Number of  
copies and  
distribution  
thereof.**

**Funds  
derived from  
land scrip.**

SEC. 7. All funds derived from the sale of land scrip issued to the state of Ohio by the United States, in pursuance of the aforesaid act of congress, together with the interest accumulated thereon, shall constitute a part of the irreducible debt of the state, the interest upon which, as provided by the act of February 10, 1870 (O. L., vol. 67, p. 15), shall be paid to the college by the auditor of state, upon the requisition of the commissioners of the sinking fund, issued on the certificate of the secretary of the board of trustees, that the same has been appropriated by said trustees to the endowment, support and maintenance of the college, as provided in the act of congress aforesaid.

SEC. 8. That an act passed April 16, and took effect May 1, 1874 (O. L., vol. 71, p. 78), entitled "an act to amend the act entitled an act to establish and maintain an agricultural and mechanical college in Ohio," and sections ten, twelve, fourteen and sixteen of an act passed and took effect March 22, 1870 (O. L., vol. 67, p. 20), be and they are hereby repealed.

**Compensa-  
tion of  
faculty.**

SEC. 9. That the said board of trustees shall fix the compensation for the faculty of said institution, and in fixing the same shall make such part thereof as may be just and

reasonable, contingent upon the average attendance of pupils during the current year.

SEC. 10. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 20, 1877.

#### AN ACT

Authorizing county commissioners to offer reward for the detection of horse thieves.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the several counties in this state, are hereby authorized, when they deem the same expedient, to offer such reward, or employ such detectives, as in their judgment the nature of the case may require, for the detection or apprehension of any person or persons charged with or engaged in horse stealing, aiding or abetting the same, and upon the conviction of such person or persons, the county commissioners are authorized to pay such reward, or other compensation, out of the county treasury; but, in no case shall the owner of the stolen horse or horses be entitled to any of said reward.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

#### AN ACT

Regarding the maintenance and repair of streets and alleys, etc., in cities of the first class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the first class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census, and in which shall exist a board of improvements, it

Duty of  
board of im-  
provements.

shall be the duty of said board of improvements, within thirty days after the passage of this act, to divide such cities into districts not less than five nor more than eighteen in number.

**Advertise for sealed proposals.**

SEC. 2. Immediately after the division of said cities, as aforesaid, the said board shall cause to be advertised, for ten days, in not exceeding three newspapers of general circulation within said cities, an invitation for sealed proposals for keeping in repair, as may be provided, and cleaning the ditches, catch basins, avenues, streets, alleys, and market places, within said districts in said cities, and belonging to the several districts, at a stated sum per annum for each and every year, for the term of not less than one nor more than five years from the date of contract: Provided, that said proposals include the removal of all garbage of said cities, in such manner as may be directed by the said board of improvements.

**Bond shall accompany each bid.**

SEC. 3. Each person, firm or body, shall enclose with their bid a bond, in the sum of one thousand dollars, to be signed by themselves and two freeholders, and to be approved by the board of improvements, to the effect that, if said contract is awarded them, they will accept and comply with the terms thereof, and unless such bond accompany said bid, the same shall not be entertained by said board; and said board may, in addition thereto, require from said contractors such other bond or bonds as they may deem best, conditioned for the faithful performance of said contract, and said contracts shall be awarded to the lowest and best bidder therefor; but said board may reject any and all bids, and in so doing shall re-advertise at once for more proposals. All said contracts shall be carried out, and be performed, subject to the approval of the board of improvements in said cities.

**Failure of contractors.**

SEC. 4. Should any of the contractors fail to keep and perform the contracts made, or should the same be abandoned, the said board of improvements may cancel the same, and thereafter the said contracts shall be re-let, in manner and form as hereinbefore provided; after the expiration of original contracts, other contracts may be made in manner and form as provided for in section two.

**Pay for work performed.**

SEC. 5. At the end of each and every two weeks, if said contracts have been faithfully performed, said board of improvements shall give, upon demand of said contractors, a certificate to the city auditor, for the one-twenty-sixth part of the said annual contract price; but the said board may retain therefrom, as an additional guarantee for the faithful performance of said contract, and, in addition to the bond hereinbefore stated, such proportion thereof as it may deem just and equitable, which amount shall be stated in said contract. Upon the presentation of said certificate to the city auditor, that officer shall draw his warrant upon the city treasurer, for the amount stated in said certificate, which shall be paid by the city treasurer from the proper fund.

SEC. 6. At the time of making annual estimates, it shall be the duty of said board of improvements to make an estimate of the amount required for the payment to said contractors, which estimate shall be separately certified to the council of said city, and the said council shall thereupon at the time the same is annually made by it, provide a levy upon all the taxable property within said city, for the amount so certified, and when the same shall have been collected, it shall be paid to the credit of a fund to be called the street cleaning fund, and shall thereafter be kept in said fund, and shall not be transferable, paid out or used for any other purpose whatsoever than herein provided; said estimate shall be made by said board and certified to said council at the time said contracts are first made, and it shall be the duty of said council to appropriate the said sum from the street fund until the revenue therefor shall be obtained from the levy aforesaid. Nothing herein contained shall be so construed as to authorize the increase of the tax which such cities are now permitted to levy.

Estimates for  
department,  
and taxation.

SEC. 7. All contracts authorized by this act, and made and entered into by the said board of improvements, shall be signed by the mayor, the clerk of said board, and be subject to the approval of the city council.

SEC. 8. For the purposes of this act only, and no further, all other acts in conflict with this act, are hereby repealed, but the same shall remain in force as to all other acts and purposes, the same as if this act had not been passed.

SEC. 9. This act shall take effect and be in force from and after its passage.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

SAMUEL KNOX,

*President pro tem. of the Senate.*

Passed April 21, 1877.

#### AN ACT

To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first class, having a population of more than one hundred and fifty thousand at the last federal census.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the first class, having a population of more than one hundred and fifty thousand at the last federal census, and in which shall exist a board of public works, it shall be the duty of said board of public works, within one month after the passage of this act, to divide such cities into not less than seven districts, of as near equal size as possible.

Districts.

**Sealed proposals.**

SEC. 2. Immediately after the division of said cities, as aforesaid, the said board shall cause to be advertised, for ten days, in some newspaper of general circulation within said cities, an invitation for sealed proposals for cleaning the sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., within said districts in said cities, and belonging to the several districts, at a stated sum per annum for each and every year, for the term of five years from the date of the contract; Provided, that the said proposals shall include the removal of all garbage of the said cities, in such manner as may be directed by the said board of public works.

**Bond shall accompany each bid.**

SEC. 3. Each person, firm or body, shall enclose with their bid a bond, in the sum of one thousand dollars, to be signed by themselves and two freeholders, and to be approved by the board of public works, to the effect that, if said contract is awarded them, they will accept and comply with the terms thereof, and unless such bond accompany said bid, the same shall not be entertained by said board; and said board may, in addition thereto, require from said contractors such other bond or bonds as they may deem best, conditioned for the faithful performance of said contract, and said contracts shall be awarded the lowest and best bidder therefor; but said board may reject any and all bids, and in so doing shall re-advertise at once for more proposals. All said contracts shall be carried out, and be performed, subject to the approval of the board of public works in said cities.

**Failure of contractors.**

SEC. 4. Should any of the contractors fail to keep and perform the contracts made, or should the same be abandoned, the said board of public works may cancel the same, and thereafter the said contract shall be relet, in manner and form as hereinbefore provided, for the unexpired portion of said five years.

**Manner of paying contractor.**

SEC. 5. At the end of each and every week, if said contracts have been faithfully performed, said board of public works shall give, upon demand of said contractors, a certificate to the city auditor, for one-fifty-second part of the said annual contract price; but the said board may retain therefrom, as an additional guarantee for the faithful performance of said contract, and in addition to the bond hereinbefore stated, such proportion thereof as it may deem just and equitable, which amount shall be stated in said contract. Upon the presentation of said certificate to the city auditor, that officer shall draw his warrant upon the city treasurer, for the amount stated in said certificate, which shall be paid by the city treasurer from the proper fund.

**Estimate and tax levy.**

SEC. 6. At the time of making annual estimates, it shall be the duty of said board of public works to make a separate estimate of the amount required for the payment to said contractors, which estimate shall be separately certified to the common council of said city, and the said council shall

thereupon, at the time the same is annually made by it, provide a levy upon all the taxable property within said city, and when the same shall have been collected, it shall be paid to the credit of a fund to be called the street cleaning fund, and shall thereafter be kept in said fund, and shall not be transferable, paid out or used for any other purpose whatsoever than herein provided; said estimate shall be made by said board and certified to said council at the time said contracts are first made, and it shall be the duty of said council to appropriate the said sum from the general fund until the revenue therefor shall be obtained from the levy aforesaid. Nothing herein contained shall be so construed as to authorize the increase of the tax which such cities are now permitted to levy.

SEC. 7. It shall be the duty of the said board of public works, and they are hereby directed, within thirty days after the passage of this act, to appoint three freeholders of such city, who shall make an appraisement of the valuation of all real estate and buildings belonging to such city and used by the street cleaning department; and upon such appraised valuation being made and reported to said board, the said board of public works shall cause to be advertised for ten days in some newspaper having a general circulation in said city, an invitation for proposals for leasing any or all of said real estate and buildings for a term not exceeding five years, and shall lease the same in the name of such city, to the highest and best bidder or bidders, under such rules and regulations that said board may adopt; but said board may reject any or all bids, and in so doing shall re-advertise at once for more proposals; Provided, that no lease shall be made that will not yield a revenue of six per centum or more on the appraised valuation. The said board shall have the authority to sell or dispose of, in the best manner possible, the horses, carts, tools, etc., now owned by such city and used for street cleaning purposes, and the money so received, and the money received by the leasing of the real estate and buildings, shall be paid to the credit of the street cleaning fund.

**Duties of  
board of public  
works.**

SEC. 8. All contracts authorized by this act, and made and entered into by the said board of public works, shall be signed by the president and clerk of said board.

SEC. 9. That so much of section six of an act entitled "an act to create a board of public works in certain cities having a population of one hundred and fifty thousand and upwards at the last federal census," passed March 17, 1876, which requires that all contracts in excess of five hundred dollars shall be approved by council, shall have no application to the provisions of this act; and that section four hundred and ninety-seven of the municipal code, as amended April 18, 1870, is hereby repealed so far as it may apply to cities herein described.



SEC. 10. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

#### AN ACT

To amend section fifty-six of an act entitled "An act for the reorganization and maintenance of common schools," passed and took effect May 1, 1873 (O. L., vol. 70, page 211.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifty-six of the above recited act be amended so as to read as follows:

Contingent  
 fund for vari-  
 ous purposes.

Section 56. Each board of education, at a regular or special meeting held between the third Monday in April and the first Monday in June of each year, shall determine by estimate, as nearly as practicable, the entire amount of money necessary as a contingent fund to be expended for prolonging the several schools of the district, for the purchase of suitable sites for school houses, for leasing, purchasing, erecting, and furnishing school houses, and for all other school expenses, not exceeding seven mills on the dollar of the taxable property of the district as valued for taxation: provided, however, that in cities of the first class having a population of not less than thirty thousand nor more than seventy-five thousand inhabitants, said levy shall not exceed five mills on the dollar of the taxable property. And any board of education of any city district of the first class are hereby authorized to issue bonds to obtain or improve public school property, and in anticipation of income from taxes for such purposes, levied or to be levied, may, from time to time, as occasion shall require, issue and sell bonds, under the restrictions and bearing a rate of interest specified in section sixty-three, and shall pay such bonds and the interest thereon when due, but shall so provide that no greater amount of such bonds shall be issued in any one year than would equal the aggregate of a tax at the rate of two mills under this section, for the year next preceding such issue: provided, that the order of such board to issue such bonds be made only at a regular meeting thereof, and by a vote of a majority of all the members of such board, taken by yeas and nays, and entered on the journal of the board.

Taxation.

Issue bonds  
 pay same.

SEC. 2. That section fifty-six of an act entitled "an act for the reorganization and maintenance of common schools" be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

#### AN ACT

To protect owners of real estate in remainder against waste committed thereon by tenants by the curtesy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person having or holding an estate by curtesy in any lands or tenements within the state, shall commit waste upon or to the premises so held or occupied, or suffer or permit the same to be done during said occupancy, shall forfeit his right or title to hold and enjoy such estate, as tenant by the curtesy, to those owning and entitled to the same in remainder, who, on the commission of said waste, may enter upon said estate, and the said estate by curtesy shall thereby cease and determine, and the tenant by curtesy shall, moreover, be liable in damages to those owning said estate in remainder for the commission of said waste thereto, or for suffering or permitting the same to be done.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

Supplementary to an act entitled "An act for the incorporation of townships," passed March 16, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the petition, in writing, of a majority of the freeholders, electors, owning lands in any portion of the territory of a city or incorporated village, which petition shall accurately describe the territory sought to be detached, the commissioners of the county in which said city or village is located, shall have power to detach the territory described in such petition from such city or village, and shall thereupon annex the territory so detached to any township con-

tiguous thereto, as in the judgment of said commissioners  
e proper: provided, that no territory shall be so detached until the council of such city or village shall have assented thereto.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To amend an act entitled "An act supplementary to an act entitled 'An act regulating the mode of administering assignments in trust for the benefit of creditors,'" passed April 6, 1859; passed March 31, 1876 (O. L., vol. 73, p. 101).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be so amended as to read as follows:

Section 3. In case of assignment to two or more assignees, upon the resignation, death, or removal of one or more of them, the remaining assignee or assignees may execute the trust, unless the probate judge appoint a successor or successors. And in all cases where a sole assignee shall die, resign, or be removed, the probate judge shall appoint a successor, in accordance with the provisions regulating such appointments; and the power conferred upon the probate judge by this section shall extend to cases where such sole assignee shall have died, resigned, or been removed, prior to the passage of this act.

SEC. 2. Section three of the act to which this act is amendatory is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

Amendatory of and supplementary to "An act to enable trustees of religious denominations to become incorporated, and defining their powers," passed April 20, 1874.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of an act entitled "An act to enable

trustees of religious denominations to become incorporated, and defining their powers," passed April 20, 1874, be so amended as to read as follows :

If the trustees are chosen to take charge of and manage any other property that may be owned or in any manner acquired by such religious denomination, they shall have full power to hold, invest, control, and manage the same, for the benefit of the denomination, within the presbytery, synod, conference, diocese, society, or other ecclesiastical territorial limits represented by said trustees, subject to the direction of the proper representative body of such denomination, within such territorial limits as aforesaid; and whenever any parish, congregation, or society shall, by reason of the death or dispersion of its members, be declared to be extinct, by the body representing the denomination to which such parish, congregation, or society belongs, and which representative body shall have elected trustees under this act, the trustees of the denomination to which such parish, congregation, or society belongs, shall have power to take possession of the property of such parish, congregation, or society, whether real or personal, and rent, lease, sell, invest, or otherwise dispose of the same, for the benefit of the denomination represented by such trustees, within the territorial limits represented by the body appointing such trustees, and subject to such regulations as said body may prescribe: provided, that all property held by trustees created under this act, and the proceeds thereof, shall be applied to the use and benefit of the proper denomination within this state.

Powers of trustees.

SEC. 2. That whenever any parish, congregation, or society shall be declared to be extinct, under and in accordance with said section four, as so amended, it shall be lawful for the court of common pleas of the county in which any real property of such extinct parish, congregation, or society is situated, upon the petition of the trustees of the denomination to which such extinct parish, congregation, or society belongs, to make an order for the sale of such property, whether the same shall have been built upon, or otherwise improved, or not, the proceeds of such sale to go to, and be for the benefit of the denomination represented by such trustees, within the territorial limits represented by the body appointing such trustees, and the purchaser or purchasers thereof shall be vested with as full and complete title to said property as the character of the original grant to such parish, congregation, or society will allow.

Order of sale on petition of trustees.

Title.

This section shall not be so construed as to limit, or in any degree restrict, the powers conferred by the preceding sections of this act, upon trustees elected under the same.

SEC. 3. That when any petition shall be filed, as provided for in the preceding section, all persons who may have a vested, or contingent, or reversionary interest in such real estate, shall be made parties to said petition and be notified

Parties to petition.

of the filing and pendency thereof, in the same manner as is or may be provided in case of partition of real estate: provided, that said court shall have power to make such order as to costs as shall be deemed just and proper.

SEC. 4. That section four of the act to which this is amendatory and supplementary, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To amend an act entitled "An act limiting the rate of taxation in municipal corporations" (O. L., vol. 73, p. 222).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six hundred and forty-eight of "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended May 2, 1871, as amended April 11, 1876, be so amended as to read as follows:

Rates of  
taxation.

First class.

Section 648. The aggregate of all taxes levied or ordered by any corporation, including the levy for general purposes over and above the tax for county and state purposes, and excluding the tax for schools and school-house purposes, shall not exceed in any one year; in cities of the first class, having a population of one hundred and fifty thousand inhabitants or more, twelve mills, and such further rate in addition thereto, as may be necessary to provide for the payment of the interest and create a sinking fund for the redemption of bonds issued and that may be issued under the act entitled an act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869, and all acts amendatory or supplementary thereof; in cities of the first class, having a population of eighty and less than one hundred and fifty thousand inhabitants, eleven mills, and such further rate in addition thereto, as may be necessary to pay the interest on the public debt, and for cemetery purposes, as is provided for by law; in cities of the first class, having a population over thirty and less than eighty thousand inhabitants, nineteen mills, Provided, however, that out of such funds, the interest on the indebtedness of such corporations shall be paid first; in cities of

the second class, having a population over thirty thousand inhabitants and less than eighty thousand inhabitants, nine and five-tenths mills; in cities of the second class, having a population over ten thousand and less than thirty thousand inhabitants, twelve mills; in all other cities of the second class, nine mills; in incorporated villages, having a population over three thousand inhabitants, eight mills, and in all other incorporated villages, ten mills on each dollar of the value of any property as valued for taxation on the county duplicate; Provided, that the council of every municipal corporation shall cause to be certified to the auditor of the county on or before the first Monday in June, annually, the per centage by them levied on the real and personal property in the corporation, returned in the grand levy, and the county shall place the same on the duplicate of taxes for said county, in the same manner as township taxes are now by law placed on said duplicate; and, Provided further, that council shall annually, at the same time the rate of levy is fixed, provide by ordinance for the distribution of the tax, among the several departments of the city, in such proportion to their needs as said council may deem necessary; and at no time thereafter shall the amounts therein specified as necessary for the purposes named be changed, and all transfers of funds from one account to another are hereby expressly prohibited. All claims against the said cities of every nature whatever, shall be paid by the treasurer upon the warrant of the auditor, in all corporations having a city auditor, and in all others on the warrant of the city clerk; and all boards of trustees, directors or commissioners having the charge of the expenditures of city funds, shall certify claims against their respective departments to the city auditor for payment; Provided, that in cities of the first class, having been advanced to that grade between decennial periods, it may be lawful for the auditor, under such rules and regulations as may be adopted by the common council, to draw his warrant on the treasurer in his own favor, for the aggregate amounts due employes of the city in the various departments, and disburse the money received upon such warrant to pay the claims of said employes on pay rolls, taking due receipts therefor; and it shall be the duty of the auditor, in addition to such other duties, to keep accurate and detailed accounts of the receipts and expenditures of the city in all its departments and for all purposes; and, Provided further, that no person or property charged with any special local assessment for any improvements, shall be compelled to pay therefor, in any one year, more than one-tenth of the value of the property on which the assessment was made, as valued on the county duplicate for taxation; but the words, "as valued on the county duplicate for taxation," shall not apply or be in force as to cities of the first class.

Second class.

Other classes.

Council shall certify to county auditor.

Transfer of funds.

Payment of claims.

SEC. 2. That section six hundred and forty-eight of said act, as amended, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To authorize the council of municipal corporations to require new bonds to be given by municipal officers in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city or incorporated village of this state, be and they are hereby authorized to require any officer who has heretofore, or may have hereafter, given a bond to secure the faithful discharge of his official duties, to furnish a new bond, whenever in the opinion of the council the same may become necessary by reason of the insolvency of the sureties upon the original bond, their removal from the state, or for any other reason which council may deem sufficient.

New bond.

Mode of procedure.

SEC. 2. That whenever the council shall declare, by resolution, that such officer shall be required to give a new bond, written notice thereof shall be served by the clerk of the corporation upon the officer designated in the resolution, of which notice, with a statement of the time and place of service indorsed thereon, a copy shall be recorded in the proceedings of council, and the officer so required shall, within ten days after the service thereof, proceed to give a new bond, with sureties to the satisfaction of the council, or his said office shall be declared vacant and the vacancy shall be filled in the manner provided by law.

SEC. 3. Upon the acceptance of a new bond by the council, or the declaration of a vacancy in the office, the obligation of the sureties upon the original bond shall thenceforward cease and determine, but nothing herein contained, shall be construed to release such sureties from their obligation for all the conditions of the original bond prior to time of the acceptance of the new bond, or the declaration of a vacancy in the office.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

Supplementary to the "Act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, A.D. 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees appointed under the act to which this is supplementary, shall have power to contract for completing and leasing the whole line of railway for which they are trustees, after its partial construction and before its final completion, upon the conditions and in the mode provided for in the fourth section of the act of April 18, 1873, entitled "An act supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869.

Leasing lines  
of railway.

Before making any contract for completing and leasing the whole line of such railway, such trustees shall advertise, once a week for eight weeks, in at least two newspapers published in and of general circulation in each of the cities of Boston, New York, Philadelphia, Baltimore, and Cincinnati for proposals for completing and leasing the whole line of said railway: provided further, that said trustees may operate so much of said railway as is completed, or any part or parts thereof, until such contract is entered into, and may lease rolling-stock for that purpose.

Advertise in  
two news-  
pers.

Proviso.

SEC. 2. That section two of an act passed on the twenty-fourth of February, A.D. 1876, entitled "An act supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, A.D. 1869, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To amend sections five hundred and thirty-four, five hundred and thirty-six, and five hundred and forty-one of "An act to establish a code of civil procedure," passed March 11, 1853 (S. & C., pp. 1112 and 1115).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and thirty-four of an act to establish a code of civil procedure, passed March 11, 1853, be so amended as to read as follows:

Section 534. A court of common pleas, superior, or district court shall have power to vacate or modify its own judgments or orders, after the term at which such judgments or orders were made:

Power to  
modify judg-  
ments.



*First*—By granting a new trial for the cause within the time and in the manner provided in section three hundred and one.

*Second*—By a new trial granted in proceedings against defendants constructively summoned, as provided in section seventy.

*Third*—For mistake, neglect, or omission of the clerk, or irregularity in obtaining a judgment or order.

*Fourth*—For fraud practiced by the successful party in obtaining a judgment or order.

*Fifth*—For erroneous proceedings against an infant, married woman, or person of unsound mind, where the condition of such defendant does not appear in the record, nor the error in the proceedings.

*Sixth*—For the death of one of the parties before the judgment in the action.

*Seventh*—For unavoidable casualty or misfortune, preventing the party from prosecuting or defending.

*Eighth*—For errors in a judgment shown by an infant in twelve months after arriving at full age, as prescribed in section three hundred and eighty-six.

*Ninth*—For taking judgments upon warrants of attorney for more than was due the plaintiff, when the defendant was not summoned, or otherwise legally notified of the time and place of taking such judgment.

*Tenth*—When such judgment or order shall have been obtained, in whole or in a material part, by false testimony on the part of the successful party, or any witness in his behalf, which ordinary prudence could not have anticipated or guarded against.

SEC. 2. That section five hundred and thirty-six of said act to establish a code of civil procedure be so amended as to read as follows:

Section 536. The proceedings to vacate the judgment or order on the grounds mentioned in subdivisions four, five, six, seven, eight, nine, and ten of section five hundred and thirty-four, shall be by petition, verified by affidavit, setting forth the judgment or order, the grounds to vacate or modify it, and the defense to the action, if the party applying was defendant. On such petition a summons shall issue and be served as in the commencement of an action.

SEC. 3. That section five hundred and forty-one of said act to establish a code of civil procedure, be so amended as to read as follows:

Section 541. Proceedings to vacate or modify a judgment or order, for the causes mentioned in subdivisions four, five, and seven of section five hundred and thirty-four, must be commenced within two years after the judgment was rendered, or order made, unless the party entitled thereto be an infant, married woman, or person of unsound mind, and then, within two years after the removal of such disability. Proceedings, for the causes mentioned in subdivisions three

Vacate or  
modify judgments.

and six of the same section, shall be within three years, and in subdivisions nine and ten, within two years after the defendant has notice of judgment.

SEC. That said original sections five hundred and thirty-four, five hundred and thirty-six, and five hundred and forty-one be and the same are hereby repealed, and that this act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

### AN ACT

To authorize free banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than five, may engage in the business of banking, with all the rights, privileges and powers conferred by, and subject to the restrictions of, this act. Not less than five persons.

SEC. 2. Persons associating to form a banking company shall, under their hands and seals, make a certificate which shall specify: Specifications.

*First*—The name assumed by such company, and by which it shall be known in its dealings; also the name of the place where its banking operations shall be carried on, at which place such banking company shall keep an office for the transaction of business.

*Second*—The amount of the capital stock of said company, and the number of shares into which the same is divided.

*Third*—The name and place of residence, and the number of shares held by each member of the company.

*Fourth*—The time when such company shall have been formed.

Such certificate shall be acknowledged before a justice of the peace or notary public, and transmitted to the secretary of state, who shall record and carefully preserve the same in his office; and a copy thereof, duly certified, shall be by him returned to and recorded by the recorder of the county where such company is to be established, in a book to be kept by him for that purpose, which shall at all times during office hours be kept open for inspection of any person wishing to examine the same. Copies of said record, duly certified by either of those officers, may be used as evidence in all courts and places, for and against any such company, and shall be conclusive evidence of the existence of such banking company. Acknowledged and sent to secretary of state.

SEC. 3. The capital stock of each company hereby

Capital  
required.

authorized shall be at least twenty-five thousand dollars, and may be increased, from time to time, as may be deemed expedient.

Paying in  
capital stock.

SEC. 4. At least fifty per centum of the capital stock of every company shall be paid in before it shall be authorized to commence business, and the remainder of the capital stock of such company shall be paid in installments of at least ten per centum each on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized to commence business; Provided, that the amount so paid in shall be not less than twenty-five thousand dollars.

Proviso.

Certificate  
and records.

SEC. 5 Whenever any company herein authorized shall furnish to the auditor, governor, and secretary of state, satisfactory evidence that said company has complied with the preceding sections of this act, said auditor, governor, and secretary of state shall furnish to said company a certificate of such fact, under their hand, and under the great seal of the state, which shall be recorded in the office of the secretary of state, in the same book in which is required to be recorded the certificate provided for in the second section of this act.

Suits, ac-  
tions, etc.

SEC. 6. Every company formed under this act, after having procured the certificate required in the fifth section of this act, shall be and hereby is created a body politic and corporate, with succession, until the repeal of this act, and by its name shall have power to contract, and to prosecute and defend suits and actions of every description, as fully as natural persons; to loan money, buy, sell and discount bills of exchange, notes, and all other written evidences of debt, except such as may be herein prohibited; to receive deposits, buy and sell gold and silver coin and bullion, collect and pay over money, and transact all other business properly appertaining to banking, subject to the provisions and restrictions of this act; may acquire, hold and convey such real estate as may be necessary to the convenient transaction of its business, and no more, but may, however, acquire title to any real estate pledged to secure any debt previously contracted, or purchased on an execution or order of sale to satisfy any judgment or decree in its favor, or which shall have been conveyed to it in payment of any previous debt, but shall not hold any real estate so acquired longer than is necessary to avoid a loss of any part of the debt, interest, and costs for the collection or security of which it was acquired; but at any time before selling the same, upon being tendered by the last preceding owner, or his legal representative, such sum as shall be necessary to save such company from loss of any part of the debt, interest, taxes, costs, and other necessary charges for the collection or security of which such real estate was acquired, such company shall release to such owner, his legal representative or assigns, all its rights, title and interest therein.

SEC. 7. The capital stock of every company shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall only be assignable on the books of the company, in such manner as its by-laws shall prescribe; each bank shall have a lien upon all the stock owned by its debtors, and no stock shall be transferred without the consent of a majority of the directors while the holder thereof is indebted to the company. Shares.

SEC. 8. No company shall take as security for any loan, or discount a lien upon, any part of its capital stock; but the same security, both in kind and amount, shall be required of shareholders as of persons not shareholders; and no banking company shall be the holder or purchaser of any portion of the capital stock of it or any other incorporated company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, or security which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock; and stock so purchased shall in no case be held by the company so purchasing for a longer period of time than six months, if the same can be sold for what the stock costs at par. Security.

SEC. 9. In all elections of directors, and in deciding all questions at the meetings of the stockholders, each share shall entitle the owner thereof to one vote. Stockholders may vote by proxies duly authorized in writing, but no officer or employee of the company shall act as proxy. Each share shall represent one vote.

SEC. 10. The affairs of every company, formed and organized to carry on the business of banking under the provisions of this act, shall be managed by not less than three nor more than five directors, as may be determined by a majority in interest of the stockholders. Every director shall, during the whole term of his services, be a resident of this state. The directors of each banking company, collectively, shall own at least one-tenth of the capital stock; each director shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the company, and not knowingly violate, or willingly permit to be violated, any of the provisions of this act; that he is the *bonafide* owner, in his own right, of the stock, specifying the amount, standing in his name on the books of the company, and that the same is not hypothecated, or in any [way] pledged, as security for any loan obtained, or for any debt owing, which oath, subscribed by himself, and certified by the officer before whom it was taken, shall be filed and carefully preserved in the office of the recorder of the county in which the banking company is located. Directors.  
  
Stocks shall be owned by directors.  
Oath of office.  
Violation of provisions of this act.

SEC. 11. The directors of any banking company first elected shall hold their places until the first Monday in January next thereafter, and until their successors shall be elected and qualified; all subsequent elections shall be held annually on the first Monday of January, at the office of the Election and term of office.

Vacancies  
shall be  
filled.

bank, and the directors so elected shall hold their places for one year, and until their successors are elected and qualified. But any director removing from the state shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors; the director so appointed shall hold his place until the next annual election; and if, for any cause, an election of directors shall not be made at the time appointed, the company shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof having been given, in a newspaper printed and in general circulation in the county where the company is located.

Shall not issue note,  
draft, etc., to  
circulate as  
money.

SEC. 12. No banking company hereby authorized shall at any time issue, or have in circulation, any note, draft, bill of exchange, acceptance, certificate of deposit, or any other evidence of debt, which, from its character, form or appearance, shall be calculated or intended to circulate as money; and every violation of this section, by any officer or member of a banking company, shall be deemed and judged a misdemeanor, punished by fine or imprisonment, or both, in the discretion of the court having cognizance thereof, as now provided by law.

Penalty.

Shall have  
twenty per  
centum of de-  
posits on  
hand.

SEC. 13. Each banking company shall at all times have on hand, of lawful money of the United States, an amount equal to at least twenty per centum of its deposits; and whenever the lawful money of any company shall fall below twenty per cent. of its deposits, such company shall not make any new loan or discount, otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits, until the required proportion of its deposits, and its lawful money of the United States, shall be restored; and for such purpose actual deposits with any solvent bank or banker, in the cities of New York, Boston, Philadelphia, and Baltimore, subject to be drawn against at sight, and payable in lawful money of the United States, or money actually invested in bonds of the United States, shall be deemed equivalent to lawful money of the United States.

Deposits in  
other banks.

Limit of  
indebted-  
ness.

SEC. 14. No banking company herein authorized shall at any time be indebted, or in any way liable, to an amount exceeding the amount of the capital stock at such time actually paid in and remaining as capital stock, undiminished by losses or otherwise, except on the following accounts: first, on account of moneys deposited with or collected by such company; second, on account of bills of exchange or drafts drawn against money actually paid on deposit to the credit of or due to such company; third, liabilities of its stockholders on account of moneys paid in as capital stock, and dividends thereon.

SEC. 15. No banking company shall, during the time it shall continue its operations as a bank, withdraw, or permit to be withdrawn, either in form of dividends, loans to stock-

holders for a longer period of time than six months, or in any other manner, any portion of its capital stock; and if losses shall have been at any time sustained by any banking company, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any banking company, while it shall continue its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad and suspended debts; and all debts due to a banking company on which interest is past due and unpaid for a period of six months, unless the same shall be well secured and in process of collection, shall be considered bad or suspended debts within the meaning of this act.

Time for which loans may be made.  
Losses.

When no dividend to be made.

SEC. 16. The directors of each banking company shall, semi-annually, declare a dividend of so much of the net profits of the company as they shall judge expedient; but such company shall, before the declaration of a dividend, carry one-tenth part of its net profit of the preceding half year to its surplus fund, until the same shall amount to twenty per centum of its capital stock.

Dividends.

SEC. 17. Every banking company shall make to the auditor of state a report, according to the form which may be prescribed by him, verified by the oath of the president or cashier of such company, which report shall exhibit in detail, and under appropriate heads such as he shall require, the resources and liabilities of the company before the commencement of business in the morning of the first Monday of the months of January and July of each year, and shall transmit the same to the auditor of state within ten days thereafter.

Report of auditor of state.

SEC. 18. Every banking company deriving its powers and privileges from this act may take, reserve, receive, and charge on any loan or discount made, or upon any bill of exchange, or other evidence of debt, at the rate of interest allowed by the laws of the state, on the amount of any such note, bill of exchange, or other evidence of debt so discounted, and no more; provided, however, that interest may be received or taken in advance, at the time of making the loan or discount, according to the usual rules of banking; but the purchase, sale, or discount of a bill of exchange payable at another place than the place of such purchase, sale, or discount, at the current rate of discount or premium, shall not be considered a taking, receiving, or reserving of interest. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in any action of debt, the entire amount of interest thus paid from the company taking or receiving the same.

Losses, discounts, rate of interest.

Proviso.

Forfeiture of interest.

**Limitation  
of liabilities.**

SEC. 19. The total liabilities of any person, company, corporation, or firm, for money borrowed, including in the liabilities of the several members thereof to any banking company herein authorized, shall at no time exceed one-tenth part of the amount of the capital stock of such company actually paid in; provided, that the discount of *bona fide* bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation or firm negotiating the same, shall not be considered money borrowed.

**Preference of  
creditors.**

SEC. 20. All transfers of notes, bonds, bills of exchange, and other evidences of debt, owing to any banking company, or of deposit to its credit; all assignments of mortgages or other securities in real estate, or of judgements or decrees in its favor; all deposits of money, bullion, or other valuable things, for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner described by law, or with the view to the preference of one creditor to another, shall be held utterly null and void.

**Violation of  
provisions of  
this act.**

SEC. 21. If the directors of any banking company which shall have availed itself of the privileges of this act shall knowingly violate, or knowingly permit any of the officers, agents, or servants of such company to violate any of the provisions of this act, all the rights, privileges and franchises of said company, derived from this act, shall thereby be forfeited; such violation, however, to be determined and adjudged by a court of competent jurisdiction, agreeably to the laws of this state, and the practice of such court, before the corporation shall be declared dissolved; and in case of such violation, every director who participated in or assented to the same shall be held liable, in his personal and individual capacity, for all damages which the company, its shareholders, or any other person, body politic or corporate, shall have sustained in consequence of such violation.

**Liabilities of  
directors.**

**Embezzle-  
ment, etc.**

SEC. 22. Every president, director, cashier, teller, clerk, or agent of any banking company, who shall embezzle, abstract, or willfully misapply, any of the moneys, funds, or credits of such company, or shall, without authority from the directors, issue or put forth any certificate of deposit, draw any order, or bill of exchange, make any acceptance, assign any notes, bonds, drafts, or bills of exchange, mortgage, judgment, or decree, or shall make any false entry in any book, report, or statement of the company, with intent in either case to injure or defraud the company, or any other company, body politic or corporate, or any individual person, or to deceive any officer of the company, or any agent appointed to inspect the affairs of any banking company in this state, shall be guilty of an offense, and upon conviction thereof shall be confined in the penitentiary, at hard labor, not less than one year nor more than ten years.

**Penalty.**

SEC. 23. If the original capital stock of any of such banking company shall in any manner be diminished, or any portion thereof be withdrawn for any purpose whatever, while any debts or demands against such company remain unsatisfied, no dividends shall be thereafter made on the shares of the capital stock of such company until the original amount of the capital stock shall be restored, either by contribution of the shareholders, or out of the profits of the business of such company; and in case any dividend shall be made while the capital stock shall remain so diminished or withdrawn, it shall be the duty of any court having competent jurisdiction, to make the necessary orders and decree for closing the affairs of such company, and dividing its effects among its creditors and shareholders.

Diminution  
of capital.

SEC. 24. The shareholders of each company formed under the provisions of this act shall be held individually responsible, equably and ratably, and not one for another, for all contracts, debts, and engagements of such company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Liability of  
stockholders.

SEC. 25. It shall be the duty of the auditor, treasurer and secretary of state, or a majority of them, as often as once in each year, and without previous notice to such corporation, to appoint some suitable person in the vicinity of each banking company, who shall not be a stockholder in any bank of the state, who shall have power to make a thorough examination into all the affairs of the bank which he may be appointed to examine, and in so doing to examine any of the officers and agents of such bank on oath; and such agent shall make a detailed report of the condition of such bank to the auditor of state; and the banking companies herein authorized shall be subject to any other visitatorial power authorized by law; and every agent appointed as in this section provided shall receive for his services at the rate of five dollars for each day employed by him in such examination, and five dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the banking company by him examined.

Appoint ex-  
aminers.

Compensa-  
tion of exam-  
iners.

SEC. 26. The president and cashier of every company formed pursuant to the provisions of this act shall at all times keep a true and correct list of the names of all the shareholders of such company, and the amount of stock owned by each, and shall file a copy of such list in the office of the recorder of the county where any office of such company may be located, and also in the office of such company, and also in the office of the auditor of the state, in the months of January and July of each year.

Record of  
stockholders.

SEC. 27. That the approval or rejection of this act shall be submitted to the vote of the electors of this state, at the general election in October next. At such election the electors desiring to vote for its approval shall place upon their ballots for the officers then to be elected the words, "For the

Submit to  
votes of state  
for rejection  
or approval  
and manner  
thereof.



Additional  
returns.

free banking act," and the voters not approving it shall place upon their ballots the words, "Against the free banking act." The judges and clerks of said election in each and every township, ward and precinct shall, in addition to the returns provided by law, and at the same time, make return to the clerk of the county, of the vote cast for and against the approval of this act. A return additional to the return required by law to be made of the votes cast at such election for state officers, and senators and representatives, shall also be certified and made by the clerk of each county, of the vote for and against the approval of this act, to the secretary of state, within ten days after said election; and within thirty days after said election the secretary of state, auditor of state, and attorney general shall open said return, and count the votes, and ascertain whether or not a majority of all the votes cast at said election have been cast for the approval of this act; and if it appears that a majority of the votes cast at such election have been cast for the approval of this act, the said secretary and auditor of state shall make proclamation thereof without delay.

Newspaper  
publication.

SEC. 28. The secretary of state shall cause this act to be published in one, but in not more than two newspapers, and by one insertion in each, in each county of the state wherein a newspaper is published, and within thirty days preceding said election. The cost of publication to be paid out of the state treasury, upon the warrant of the auditor of state, upon proper vouchers, and in accordance with the provisions of "An act supplementary to the act to provide for the execution and supervision of the state printing and binding, passed March 24, 1860," passed and took effect May 1, 1862. [S. & S. p. 619.]

SEC. 29. If the vote so cast be ascertained by the secretary of state, auditor of state, and attorney general, to have been cast in favor if the approval of this act, it shall take effect and be in force from and after the date of the proclamation so required to be made by them.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

Prescribing the fees of county auditors, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the several county auditors in this state shall

hereafter receive compensation, per annum, for their services, as follows :

Compensation.

In counties having two thousand male inhabitants above the age of twenty-one years, the county auditor shall receive one thousand dollars per year ; and in counties having more than two thousand such inhabitants, the auditor shall receive the like sums respectively, and in addition thereto shall receive for each year the sum of fifteen dollars for each additional one hundred such inhabitants above two thousand in such county.

SEC. 2. That the several county auditors in this state shall receive compensation for their services, in addition to that provided for in the first section of this act, as follows :

Additional compensation.

In counties having a population of such male inhabitants as are enumerated in section one of this act, less than three thousand five hundred such inhabitants, two hundred and fifty dollars ; in counties having three thousand five hundred, and less than four thousand five hundred such inhabitants, three hundred dollars ; in counties having four thousand five hundred, and less than five thousand five hundred such inhabitants, three hundred and fifty dollars ; in counties having five thousand five hundred, and less than six thousand five hundred such inhabitants, four hundred dollars ; in counties having six thousand five hundred, and less than seven thousand five hundred such inhabitants, four hundred and fifty dollars ; in counties having seven thousand five hundred, and less than eight thousand five hundred such inhabitants, five hundred dollars ; in counties having eight thousand five hundred, and less than nine thousand five hundred such inhabitants, five hundred and fifty dollars ; in counties having nine thousand five hundred, and less than ten thousand five hundred such inhabitants, six hundred dollars ; in counties having ten thousand five hundred, and less than eleven thousand five hundred such inhabitants, six hundred and fifty dollars ; in counties having eleven thousand five hundred, and less than fifteen thousand such inhabitants, one thousand three hundred dollars ; in counties having fifteen thousand, and less than seventeen thousand five hundred such inhabitants, one thousand four hundred dollars ; in counties having seventeen thousand five hundred, and less than twenty thousand such inhabitants, one thousand five hundred dollars ; in counties having twenty thousand, and less than twenty-five thousand such inhabitants, one thousand seven hundred and fifty dollars ; in counties having twenty-five thousand, and less than forty thousand such inhabitants, three thousand dollars ; in counties having forty thousand and less than fifty thousand such inhabitants, three thousand five hundred dollars.

SEC. 3. That the county auditors of the several counties in this state shall receive, in addition to the salary now provided in sections one and two of this act, the compensa-

tion that is now authorized by section two of "an act to amend an act entitled an act, passed May 6, 1869, supplementary to the act prescribing the fees of county auditors, passed May 1, 1862, as amended April 12, 1865, as amended April 17, 1867, passed April 11, 1876" (O. L., vol. 73, p. 221), or that may be hereafter provided by law, for assessing and placing upon the duplicate tax omissions; that they shall also receive the additional compensation that is now authorized by "an act supplementary to an act for the assessment and taxation of property in this state, and for levying taxes therein according to its true value in money, passed April 5, 1859 (S. & C., 1438), passed and took effect May 1, 1862 (S. & S., 766)," or that may be hereafter provided by law, for services as members of the boards of appraisers and assessors of railroads; that they shall also receive the additional compensation that is now authorized by section one hundred and twenty-five of "an act for the reorganization and maintenance of common schools," passed May 1, 1873 (O. L., vol. 70, p. 230) or that may be hereafter provided by law, for their services under the school laws of this state; that they shall also receive the additional compensation that is now authorized by section forty-six of "an act prescribing the duties of county auditors," passed and took effect April 4, 1859 (S. & C., p. 107), or that may be hereafter provided by law, for filing away the statements of the taxable property of the individual tax payers, as returned by the township assessors in pursuance of law.

County commissioners,  
how governed.

SEC. 4. The board of county commissioners allowing the salary of the county auditor, as named in sections one and two of this act, shall be governed by the act passed and took effect April 7, 1863 (S. & S., p. 22), entitled "an act to provide for taking the enumeration of male inhabitants of the state above the age of twenty-one years."

Fees for  
transfers, etc.

SEC. 5. That the county auditors are hereby authorized to charge and receive, for their own use, fees, as follows: For certificate of sale of school land, to be paid by the purchaser, thirty cents; for certificate of payment of installment into the treasury on school lands, to be paid by the purchaser, twenty cents; for final certificate of payment for school lands, to be paid by the purchaser, one dollar; for deed of lands sold for taxes, to be paid by the purchaser, one dollar and twenty-five cents; for the transfer of an entry of land, lot, or part of lot, to be paid by the person requiring the same, ten cents: Provided, that the whole amount of the fees for transfers of real estate described in any one deed, plat, or other instrument, shall not exceed two dollars.

Fees under  
free turnpike  
law.

SEC. 6. That the county auditors of the several counties in this state shall receive the following fees, to be paid out of the county treasury, for their services under the free turnpike laws now in force, or that may be hereafter enacted: For all free turnpike road work, where the same has been granted and road commissioners appointed to lay out, locate

and construct the same; for recording the proceedings of the county commissioners, apportionment of road commissioners, and all other recording required in making a complete record, for each hundred words (where figures are used, three figures are to be counted as one word), ten cents; and for making out special tax duplicates for the purpose of collecting the tax from the owners of each and every description of lots and lands and personal property within the bounds of said roads as shown by the maps returned to the county auditor by the county road commissioners, for each and every description of property sought to be assessed, ten cents.

SEC. 7. That the county auditors of the several counties in this state shall receive the following fees, to be paid out of the county treasury for their services under the "Improved Road" laws now in force, or that may be hereafter enacted: For recording papers, proceedings, apportionments, and all other recording required in making up a complete record of improved roads, for each hundred words (where figures are used, three figures to be counted as one word), ten cents; and for making out special tax duplicate for the purpose of collecting the tax from the owners on each and every description of lots, lands and personal property sought to be assessed for such improvement, ten cents.

Fees under  
"Improved  
road" law.

SEC. 8. That the county auditors of the several counties in this state shall receive the following fees, to be paid out of the county treasury for their services under the ditch laws now in force, or that may be hereafter enacted: For recording all proceedings, apportionments and other recording necessary to make a complete ditch record of all ditches established by the county commissioners, for each hundred words, (where figures are used, three figures to be counted as one word), ten cents; for placing unpaid ditch taxes on the duplicate, for each and every description of land, lot, or part of lot so assessed, five cents.

Fees under  
ditch law.

SEC. 9. That the board of county commissioners of the several counties in this state shall have authority and are hereby required to make an additional allowance to the county auditor for clerk hire, not exceeding twenty-five per cent. of the annual allowance made in sections one and two of this act, in the years when the real property is required by law to be reappraised.

Allowances  
for clerk hire.

SEC. 10. All claims for services authorized by this act, due to the county auditors in this state, which are payable from the county treasury, shall be made out in detail according to the rates named in the foregoing act, shall be presented to the board of county commissioners, who, after being satisfied that the labor has been performed, shall allow said bill or claim, and cause the same to be spread upon the minutes of their board; and, after being so allowed, the county auditor is authorized to draw his warrant upon the treasurer of the county for the amount of the bill or claim so allowed.

Claims for  
services shall  
be made in  
detail.

- Time.** SEC. 11. That the several county auditors in this state shall receive compensation for their services from and after April 8, 1876, at the rates prescribed in this act: Provided,
- Proviso.** that the fees and compensation provided for by the foregoing act shall be in full for all services lawfully required to be done by the auditors of such counties; and it shall be unlawful for any county auditor to charge or receive any other or further fees or compensation, either as clerk of the board of county commissioners, board of equalization, or any other board of which he may be clerk, or for any other services done by him.
- Exceptions.** SEC. 12. The compensation for the services of the several county auditors in this state provided for in this act shall not be applicable to the compensation for the services of the auditor of any county in this state in which there is located a city of the first class having a population of one hundred and fifty thousand and upwards at the last federal census.
- Acts repealed.** SEC. 13. That section one of an act to amend the first section of an act entitled "an act prescribing the fees of county auditors," passed May 1, 1862, as amended April 12, 1865 (O. L., vol. 62, p. 125), as amended April 17, 1867 (O. L., vol. 64, p. 249), (S. & S., p. 370); section one of "an act to amend section two of the act entitled 'an act prescribing the fees of county auditors,'" passed April 12, 1865 (O. L., vol. 62, p. 125), passed and took effect April 6, 1866 (O. L., vol. 63, p. 168), (S. & S., p. 371); section fifteen of "an act providing for the election of county auditors, and prescribing their duties," passed and took effect April 18, 1870 (O. L., vol. 67, p. 103); section nineteen [numbered twenty] of "an act to regulate the fees of probate judges, clerks of the court, sheriffs, witnesses, jurors, fees in partition, and to repeal certain acts therein named," passed and took effect April 8, 1876 (O. L., vol. 73, p. 127), and all other acts or parts of acts so far as they are inconsistent with any of the provisions of this act, be and the same are hereby repealed.
- SEC. 14. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

Supplementary to the "Act for the establishment, support, and regulation of children's homes in the several counties and children's home's districts in this state, and to repeal certain acts therein named," passed March 22, 1876 (O. L., vol. 73, p. 64).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county of this state in which an industrial school or children's home has been or may hereafter be

established and put into successful operation by any incorporated children's aid society, or other benevolent association, for the exclusive purpose of reclaiming and educating neglected, destitute, and homeless children, over four and less than sixteen years of age, such society or association shall have the same power and authority, by its president and secretary, or other proper officers, to indenture or apprentice such children so received into such school or home to suitable guardians or masters, or to procure their adoption into good families, as are conferred on trustees appointed and acting under the provisions of said act of March 22, 1876, to which this is supplementary: provided, the probate judge of such county shall approve of the same.

Indenture or  
apprentice.

Sec. 2. It shall be lawful for the county commissioners in any county of this state in which they have not established for such county, or in connection with adjoining counties, a children's home, as authorized by the act of March aforesaid, to provide by taxation, and appropriate from the county treasury, a sufficient sum of money to pay the superintendent and necessary attendants employed in any such industrial school or children's home, established as aforesaid, such reasonable salaries for their services as may be approved by the county commissioners, not to exceed in the aggregate the annual sum of three thousand dollars: provided, that the trustees of such children's aid society shall have the same authority and be subject to the same restrictions so far as the school instruction of the inmates is concerned, which is made and provided for inmates of school age of county infirmaries and children's homes, in section fifty of "an act for the reorganization and maintenance of common schools," as passed May 1, 1873.

Provision for  
taxation.

Proviso.

Sec. 3. It shall be the duty of the trustees of such industrial school or children's home, when any appropriation for the benefit of the same is made by the county commissioners of such county, for such trustees to report annually to such commissioners the wants and operations of such industrial schools or children's home, including the number of inmates, the terms or conditions upon which they were admitted, and furnish also an accurate account of all receipts and expenditures.

Duty of trustees.

Sec. 4. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To authorize the board of public works to construct a culvert under the Hocking Valley Canal, near Lancaster, Fairfield county.

WHEREAS, By the act of April 6, 1876 (73 v. 104), twenty-five hundred dollars were appropriated for the construction, under the direction of the board of public works, of a culvert to pass the waters of Baldwin's run under the Hocking canal, near the south line of the city of Lancaster, in Fairfield county; and,

WHEREAS, The board of public works expended about the sum of two thousand dollars in constructing such culvert, and the same does not accomplish the object intended, because the water is backed at such culvert, and overflows upon land which is lower than the banks of Baldwin's run, and can not flow back into the stream or pass under the canal; and,

WHEREAS, The board of public works ordered the application of the unexpended balance of said appropriation to the construction of a small culvert under said canal, to pass such overflow, provided the attorney general was of the opinion that the board was authorized so to expend it; and,

WHEREAS, The attorney general has given his opinion to the board of public works that it has not authority by said act so to do; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and it is hereby authorized and empowered to build and construct a culvert to pass the back water and overflow of Baldwin's run, under said canal, at such points as the resident engineer may deem best, at a cost to the state not exceeding five hundred dollars.

SEC. 2. To enable the board of public works to carry into effect the provisions of this act, a sum of money not exceeding three hundred and ninety-eight dollars is hereby appropriated, the same to be drawn from the canal fund on the certificate of such board.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To amend an act entitled an act to regulate the Ohio soldiers and sailors orphans' home, located at Xenia, and to repeal certain acts therein named, passed March 14, 1876 (O. L. vol. 73, p. 26).

SECTION 1. *Be it enacted by the General Assembly of the State*

of Ohio, That section three of the above recited act be amended so as to read as follows:

Section 3. That it shall be the duty of the board of trustees to meet at said home quarterly, on the first Tuesday after the fifteenth of each of the months of February, May, August, and November, and at such other times as it may be necessary to properly discharge their duties.

The board shall audit all accounts, and direct the payment of accounts so audited, and shall maintain a general supervision over the affairs and financial condition of the home. They shall make a record of their proceedings at all meetings, in a book to be kept for that purpose, by the secretary of the board; and at their meeting in November of each year, they shall make a report to the governor in writing, of the condition and wants of the institution, which shall be accompanied by full and accurate reports of the superintendent, in which shall be stated amongst other things, the names, wages, and time of each employé during the year, closing on the fifteenth day of said month. The said report of the trustees shall contain a summary statement of all contracts entered into during the year, and the names of all persons interested in such contracts. Special meetings of the board may be held on the call of the president: provided, each member shall have at least three days' notice thereof in writing, together with a statement of the object for which the meeting shall be called. The trustees and their successors in office shall have the power to receive and hold in trust for the use and benefit of said institution, any grant or devise of land, or any donation or bequest of money or personal property, to be applied to the maintenance and support of any person or persons therein, or to the general use of such institution.

Sec. 2. That said original section three be and the same is hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 26, 1877.

Meeting of  
board of  
trustees.

Accounts and  
supervision.

Report to  
the governor.

Proviso.

Donations,  
etc.

#### AN ACT

For the further protection of cemeteries in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to ride or drive within two hundred yards of any cemetery, located in any

Rate of speed  
for riding,  
driving.



Fine and imprisonment.

county having within its limits a city of the first class, with a population of two hundred thousand or over, any horse, mule, filly, mare, colt, jackass, jennet, or other animal, faster than six miles an hour along any road on which any such cemetery abuts, or along any road leading to any such cemetery; or to train any horse, mule, mare, filly, colt, jackass, jennet, or other animal, within two hundred yards of any such cemetery, upon any street, road, alley, or lane leading to any such cemetery, or upon which any such cemetery abuts, situated in any such county as aforesaid. And any person so offending shall, upon conviction thereof before any court or magistrate having jurisdiction of crimes and misdemeanors, be fined in any sum of not exceeding twenty dollars, and costs of prosecution, or be imprisoned in the jail of the county for the period of ten days, or both, at the discretion of the court or magistrate.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To regulate the speed of railroad locomotives and cars within the corporate limits of any city, town, or village.

Regulation of speed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of "an act to regulate the speed of railroad locomotives and cars within the corporate limits of any city, town, or village," passed March 20, 1851 (S. & C., p. 321), be so amended as to read as follows:

Proviso.

Penalty.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the common council or corporate authorities of any incorporated city, town, or village in this state, whenever any railroad track is laid into or through such city, town, or village, shall have authority to ordain, enact, and enforce an ordinance regulating the speed of all locomotives and railroad cars within such corporate limits: provided, in no event shall the rate fixed be less than four miles per hour, and in villages having a population of two thousand or less it shall not be less than eight miles per hour; and such corporate authorities may bring suit against any engineer, conductor, or railroad company violating such ordinance, and assess and collect a fine of not less than five dollars, nor more than fifty dollars, for each offense, and costs of suit.

SEC. 2. Section one of said act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To authorize the board of public works to construct a culvert and berme bank in section nineteen (19) of the Miami and Erie canal.

WHEREAS, By the construction of the Miami and Erie canal, a large tract of land along the line of section nineteen of said canal, in the county of Putnam, is constantly being overflowed by water and rendered worthless, and the health of the inhabitants of a large extent of adjacent territory greatly and injuriously affected thereby; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized if, in the opinion of said board, it is deemed necessary for the efficiency and proper working of said canal, to build and construct one culvert and a berme bank in section nineteen of said canal, such as the resident engineer may deem best, at a cost not exceeding twenty-five hundred dollars: provided, however, that said culvert or berme bank is not to be built without first obtaining the written consent of the lessees of the said canal, to allow their construction without claiming damages resulting therefrom.

SEC. 2. To enable the board of public works to carry into effect the provisions of this act, a sum of money not exceeding twenty-five hundred dollars, is hereby appropriated, the same to be drawn from the canal fund on the certificate of said board.

SEC. 3. This act to be in force from and after its passage,

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To amend section seven (7) of an act entitled "An act establishing boards of county commissioners, and prescribing their duties," passed March 12, 1853, as amended March 30, 1868 (S. & S., p. 59).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven (7) of said above mentioned act,

Sue and be

as amended March 30, 1868, be so amended as to read as follows:

Disposition  
of money  
recovered.

Employ  
counsel.

Proviso.

Section 7. That the board of commissioners in the several counties in this state shall be capable of suing and being sued, pleading and being impleaded, in any court of judicature in this state; and they are hereby authorized and required to ask, demand, and recover, by suit or otherwise, any real estate, or any interest therein, whether the same be legal or equitable, belonging to their respective counties, or any sum or sums of money, or other property, due to such county on account of advances made by them on any contract with any person or persons, for the erection or repair of any public building or bridge, or other work, or any other contract or obligation which, by the provisions of any law of this state, they are authorized to enter into, and in like manner to sue for and recover, in money, for any damage that may be done to the property of the county, or the value or amount of any labor, or article of value, subscribed instead of money, to aid in erecting or repairing public buildings or bridges, when such labor or articles of value, upon their requisition, shall not have been performed, delivered, or paid, in a reasonable time; and the money so recovered in any case, shall be by them paid into the treasury of the county, and they shall take the treasurer's receipt therefor, and file the same with the auditor of the county.

And the said commissioners are hereby authorized and empowered, in all suits, either in law or equity, brought by or against them in their official capacity, relating to any of the duties required by law to be performed by them, to employ counsel, not exceeding two, to prosecute or defend in any such case or cases, and to allow and pay such counsel, out of the county treasury, reasonable fees for such services performed by them; providing, however, that the fees so paid to such counsel shall not exceed the sum of two hundred and fifty dollars in any one case; and, provided further, that the provisions of this section shall not apply to any county in which there is a board of control, having a solicitor to said board, whose duty it shall be to take charge of and attend to all actions which may be brought against the commissioners under this or any other act.

SEC. 2. That section seven (7) of said above described act, as amended March 30, 1868 (S. & S., 89), be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

## AN ACT

To amend an act amendatory to an act entitled "An act for the reorganization of common schools," passed March 1, 1873 (O. L., vol. 72, p. 45).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-two of the above entitled act be so amended as to read as follows:

Section 32 The said board shall prepare, or cause to be prepared, a map of their township, as often as they deem necessary, on which shall be designated the number of sub-districts respectively of the township, which sub-districts they may increase or diminish in number, and change or alter its boundary, at any regular session; but no sub-district shall contain less than sixty resident scholars by enumeration, except in cases where, in the opinion of the board or general assembly, it is necessary to reduce the number. Whenever the board of education of any township district shall consolidate two or more sub-districts, to form a new sub-district, or the general assembly shall make a new sub-district, said board shall call a special meeting of the qualified electors resident in said new sub-district, for the purpose of electing three local directors for the same. At least five days before the time fixed for said meeting, said board shall post, in three of the most public places in the new sub-district, written or printed notices, stating the time, place, and object of holding said meeting. The election at such special meeting shall be conducted as provided in sections twenty-seven and twenty-eight of this act: provided, that three local directors shall be elected, one to serve for one year, one to serve for two years, and one to serve for three years from the annual meeting next preceding the organization of said new sub-district, and that the terms of office of the local directors of the sub-district so consolidated or made shall expire at the time such new district shall have been created; and any sub-district which may be made or established by a general or local act of the general assembly, shall be governed by the provisions of this act, except that it can not be changed, altered, or consolidated by the board of education until after the expiration of three years after it has been so made or established.

SEC. 2. That said amendatory act passed March 3, 1875, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Board shall cause to be prepared a map designating the number of sub-districts in the township.

Consolidation of two or more sub-districts.

Provide, and time for which local directors shall serve.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

## AN ACT

Supplementary to an act entitled "An act to amend sections ninety-seven, six hundred and forty-three, six hundred and forty-nine, six hundred and fifty, and six hundred and fifty-six of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869 [vol. 66, p. 165], and section six hundred and sixty-three of said act, as amended April 18, 1870 [vol. 67, p. 85]," passed April 8, 1876 [volume 73, page 125].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of section six hundred and sixty-three of an act entitled "An act to amend sections ninety-seven, six hundred and forty-three, six hundred and forty-nine, six hundred and fifty, and six hundred and fifty-six of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (vol. 66, p. 165), and section six hundred and sixty-three of said act, as amended April 18, 1870 (vol. 67, p. 85)," as amended April 8, 1876 (vol. 73, p. 125), shall not apply to any ordinance or resolution of the council of any city of the first-class, having been advanced to that grade between decennial periods, providing for the lighting of the public buildings, grounds, streets, alleys, or other highways of said city, nor to have any contract made by such city, for the purpose aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

## AN ACT

To amend sections seventeen and eighteen of an act entitled "An act authorizing the election of a board of police commissioners and consolidating the same with the board of health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, and to repeal certain acts." [O. L., vol. 73, page 47.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections seventeen and eighteen of the above recited act be amended to read as follows:

Deposit of  
stolen or other  
property  
taken by po-  
lice force.

Section 17. All stolen or other property taken by the members of the police force, shall be deposited and kept in a place designated by the board of police; and in case of the neglect or refusal of any officer to so deposit the property taken or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and subject to indictment or information, and be fined in a sum not

exceeding three thousand dollars, and in no case less than the value of the property, or be imprisoned in the county jail not exceeding one month; and the sentence of the court in such cases shall operate to vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for that purpose by the secretary of the board, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within thirty days after such arrest and seizure, be claimed by any person or persons, it shall, unless otherwise ordered by the board, be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor, or clerk, except by special order of the board. In case said money or property shall within thirty days be claimed by any other person or persons, it shall be retained by said custodian until after the discharge or conviction of the person from whom the same was taken, and so long as the same may be required in evidence in any case in court, and if such claimant or claimants shall establish, to the satisfaction of the police judge, that he or they are the rightful owners, the same shall be restored to him or them; otherwise it shall be returned to the accused. The board shall cause to be kept books for the registry of lost, missing, or stolen property, for the general convenience of the public, and of the police force of the city. It shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place where he became a citizen (if he was born out of the United States), his age, his former occupation, number of family, and the residence thereof; the date of appointment or dismissal from office, with the cause of the latter; and in every such record sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such members of the police force, or of any special services deemed meritorious by the captains of police. It shall also cause to be kept in proper books, the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall cause to be kept and bound all police returns and reports.

And that all property or moneys that shall remain in possession of the board of police commissioners for a period of ninety days or more, without being claimed by any owner, shall be sold under the order and direction of said board of police, at public sale, and the proceeds of such sale shall go to the credit of the life and health insurance fund.

Officers who neglect or fail to comply shall be deemed guilty of a misdemeanor and penalty therefor.

Record of property to be kept.

Restoration of unclaimed property.

Registry of lost, stolen, or missing property.

Record of member of the police force.

Record of police board proceedings, etc.

Disposition of property or money in possession of police commissioners ninety days or more.

Perishable property may be sold at any time.

Board of police shall provide station houses for lodging disorderly persons, vagrants, etc.

Purchasing lands for police purposes, erections, control of buildings, etc.

Proviso.

Officers or employes shall not be interested in contracts.

Awarding contracts.

Arrests shall be made known to captain and lieutenant, and duty of same.

In all cases where perishable property shall come into the custody of the board of police, the same may be sold at any time said board shall order.

SEC. 18. It shall be the duty of the board of police to provide, when it shall be required, at the expense of the said city or cities, all necessary accommodations, within such precincts, as shall be contained within the boundaries of said city or cities, for the station houses required by the board of police, for the accommodation of the police force of such precinct, for the lodging of vagrant or disorderly persons, and for the temporary detention of persons arrested for offenses or held as witnesses. The power of purchasing lands for police purposes, and the supervision and control of the erection, building, altering, or repairing any of said station houses or buildings, shall be solely vested in the board of police commissioners, and all expenses incurred for the above purposes, shall be paid out of the police court funds of said cities, after the same shall have been approved by the board of police and duly certified to the city auditor, who shall place the same in the next ordinance for the payment of claims: provided, that all contracts exceeding five hundred dollars in amount, payable out of said police court fund, the approval of the city council shall first be obtained, and provided further, that no greater amount shall be expended for the purpose aforesaid, by said board, in any one year, than an amount equal to the sum that shall have been paid into said fund, after the payment of the salaries of the police judge, prosecuting attorney of police courts, police clerk and deputy police clerks of said cities unless such expenses shall previously have been authorized by the city council, and provision made for its payment.

No commissioner or other officer of the board or employé of the department, shall be interested in any contract connected with the police department. At least ten days' notice shall be given in some newspaper of general circulation in such cities of the first class, of the reception of the proposals for the performance of any contract exceeding five hundred dollars in amount, and said contract shall be awarded to the best and lowest bidder, who shall furnish satisfactory security for the performance of the same, and all contracts for the purposes aforesaid, exceeding five hundred dollars in amount, shall be subject to the approval of the city council. It shall also be the duty of the board to furnish the buildings aforesaid suitably, and warm and light the same by day and night; and in every case of arrest the same shall be made known to the captain or lieutenant upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of said captain or lieutenant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the parties arrested, the offense, the place of arrest,

and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in places provided for that purpose, and no trial or examination of any person arrested shall be held in the office of the superintendent of the police, or of the board; but the person so arrested shall be examined in the police court of said city or cities, duly in session, before the police judge, or in the absence of the judge, before the person acting in such capacity. Necessary and usual articles of clothing or personal apparel upon the person or in possession of persons arrested, and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations, within said city or cities, for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in apartments other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of the police judge, in committing witnesses, to have regard to the rules and regulations of the board of police, in respect to their detention. Every person arrested by the police, charged with the violation of any city ordinance, may give special bail for his appearance, to answer to such charge; and the officer in charge of the precinct where such arrest is made is authorized to accept such bail; but no member of the police force shall become or furnish bail for any person arrested.

Sec. 2. That the original sections seventeen and eighteen be and the same are hereby repealed, and this act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

Detention and trial of persons arrested.

When the seizure of necessary and unusual articles shall be made.

Board of police shall provide accommodations for witnesses.

Special bail may be given for violating city ordinances.

#### AN ACT

For the relief of ex-overseers of the poor in certain cities of the first class.

WHEREAS, By the adoption of the municipal code of Ohio, provision was made by a law applicable to the whole state, requiring municipal councils to provide by ordinance for the appointment of persons to act without compensation as overseers of the poor; and,

WHEREAS, In the city of Cincinnati, where the services of overseers of the poor were necessarily great, no persons could be procured to act as such overseers unless compensated therefor, and no ordinance was ever passed in such city under the



law aforesaid providing for the appointment of overseers; and the general assembly did, in consequence of the foregoing, on December 22, 1874, enact a law whereby overseers of the poor in such cities should be paid for their services, and they have been since then in fact so paid; and,

WHEREAS, Between the times of the adoption of the two laws aforesaid, it was necessary that overseers of the poor be employed in such cities to assist infirmity directors in the distribution of charities to the poor, and for a period of two years and eight months, said overseers performed service under promises and on the faith of being paid, but have not been in any way compensated; therefore,

Compensation of ex-overseers of the poor for work performed in cities of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class having a population exceeding two hundred thousand, where overseers of the poor have performed services without receiving compensation therefor, the auditor and treasurer of every such city, are hereby authorized and empowered on behalf of such city to, and they shall forthwith, ascertain and determine the length of time each of such overseers served without compensation, and said overseers shall be paid as herein provided, for the length of time so determined. And said auditor and treasurer shall, and they are hereby authorized, for and on behalf of such city, to pay for such services at a rate of compensation not exceeding fifty dollars per month for the length of time as aforesaid so determined. The money so to be paid by said auditor and treasurer may be drawn from either the general fund or the infirmity fund, or both, as said auditor and treasurer shall elect, having reference, however, to the state and necessities respectively of said funds.

SEC. 2. That this act take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To amend section four of chapter one of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of chapter one of the above recited act be amended so as to read as follows:

What shall constitute a school district.

Section 4. Each incorporated village, including the territory attached to it for school purposes, and excluding the territory within its corporate limits, detached for school purposes, shall be constituted a school district, to be styled a village district, in the following manner, to wit: Written or

printed notices, signed by not less than five electors, residents of such village, shall be posted in at least five of the most public places within the limits of said village, requesting the electors of said village to meet for the purpose of voting on the question of establishing a village district, on a day and between specified hours, not less than six, between six o'clock in the forenoon and six o'clock in the afternoon, and at a place designated in said notices, within the limits of said village, which notices shall be posted not less than ten days prior to the day designated in them for such meeting. The electors so assembled at the time and place designated, shall appoint a chairman and two clerks, who shall be the judges of said election. The electors in favor of the proposed village district shall have written or printed on their ballots the words, "Village district, yes;" and those opposed thereto, the words, "Village district, no;" and the votes so cast shall determine the question whether such village district shall be established. If a majority of the votes cast at said election shall be found opposed to establishing such village district, the question of establishing such village district shall not be again submitted to the electors of said village until the succeeding regular annual election for village officers, and then only upon the usual notice being given as above; and if a majority of the votes cast at said election shall be found to be in favor of establishing such village district, the said village may be organized as a village district in the manner provided in sections five and six of an act entitled "An act supplementary to an act for the reorganization and maintenance of common schools," passed March 30, 1874.

How to establish a school district.

SEC. 2. That said original section four of the act passed May 1, 1873, above recited, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

Supplementary to the act entitled "An act to authorize county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road," passed March 29, 1867, and amended by subsequent acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any road constructed or improved by any corporate body or otherwise, and after the completion thereof,

may, with the consent of the stockholders or contributors thereto, be relinquished and transferred without consideration to the commissioners of any county of this state, in or through which such road may be located, or any part thereof, together with all rights and privileges appertaining thereto, such transfer or relinquishment to be evidenced by a written declaration executed by the president and secretary of such corporate body, or other association, and upon the deposit of such instrument of writing, duly executed, with the county auditor, and the commissioners being satisfied that such road has been built in such manner as to make a good and lawful turnpike, and that there are no debts against such road for the construction thereof, shall, by a proper order, cause such road to be entered of record as a free turnpike, within the meaning of the act to which this is supplementary, and thereafter such road or part thereof transferred as aforesaid, shall be a free road, and shall be kept in repair by such county commissioners, in the same manner as such improved free road.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 28, 1877.

#### AN ACT

To amend sections eighty and eighty-seven of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869 (O. L., vol. 66, page 164).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections eighty and eighty-seven of an act entitled "An act to provide for the organization and government of municipal corporations," be amended so as to read as follows:

Certain officers shall execute a bond to be approved by the mayor.

Bond shall be deposited with clerk, etc.

Section 80. Each officer named in chapter six shall, before entering upon the duties of his office, execute a bond to be approved by the mayor (except the bond of the mayor shall be approved by the council, and if for any reason the council shall not be legally organized for the transaction of business, then, and in such case, the bond of the mayor shall be prescribed in amount and approved by the clerk of the common pleas court of the county in which such city may be located), in such amount as the council shall by ordinance prescribe, conditioned for the faithful performance of the duties of his office, which bond, except the bond of the clerk, shall be deposited with the clerk of the corporation, and be by him, with the approval endorsed thereon, recorded and filed and

preserved in his office; and the bond of the clerk shall, after being by him recorded, be deposited with the mayor.

Section 87. In all cities, if the members elect of the council and the members holding over, then present, shall constitute a quorum, they shall, forthwith, proceed to organize by electing from their own number, a president and a president pro tem, clerk, and such other officers necessary to perfect their organization, as by ordinance may be provided, and no business shall be transacted until such organization is effected: provided, that in cities of the second class, the mayor shall be ex-officio president at the time of such organization, and in case of a tie vote in the choice of president and such other officers as are required to be elected at such organization of said council, then the mayor shall give the casting vote; and provided, also, that in case enough members shall absent themselves to cause the council to lack one member of a quorum, then, and in such case, and so long as this state of affairs shall continue, the mayor shall be ex-officio a member of said council, with the same powers, duties, and privileges as other members of the council, and such members as remain together with the mayor shall be a quorum for the transaction of business.

Council shall elect president, president pro tem. and clerk.

Próviso.

SEC. 2. That sections eighty and eighty-seven of the above recited act be and the same are hereby repealed.

SEC. 3. That this act be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

Supplementary to an act entitled an act to amend sections sixty-six, sixty-seven, and seventy of the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, (S. & C. p. 305,) and to repeal a certain act amendatory thereto, passed January 26, 1865, (O. L. vol. 62, p. 4; S. & S. p. 239).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of the above recited act shall be extended so as to include church sessions, and that whenever any such session shall comply with the provisions of said act, it shall be lawfully invested with all the powers, privileges, and immunities granted by said act to which this is supplementary.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To prevent the spread of Canada thistles.

**Supervisor of road shall destroy Canada thistles on notification.**

**How paid for labor.**

**Proviso.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the supervisor of any road district in this state, when notified in writing that any Canada thistles are about to go to seed on any land within his district, to cause the same to be destroyed in time to prevent the seed from spreading, and make return in writing to the board of county commissioners of his county, with his bill of expenses and charges therefor, which bill shall be paid from the county fund, the same having first been audited and allowed by the board at the same rate of compensation allowed by law to supervisors for the discharge of their duties under the road laws of the state; and the amount so paid shall be entered upon the duplicate against the land on which said thistles have been destroyed, and collected the same as other taxes, and returned to the county fund: provided, that the owner, lessee, or agent of any land upon which Canada thistles are about going to seed shall have been first notified by some person interested, at least five days previous to the entering thereon by the supervisor.

**SEC. 2.** This act to take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 30, 1877.

## AN ACT

Supplementary to an act to amend section one, two, four, five, six, and eleven of an act entitled "An act authorizing the county commissioners to construct roads on petition of a majority of the resident land-owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 31, 1868 (S. & S. p. 673).

**County auditors shall preserve plats, profiles, and surveys for road improvements, for future use.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That all plats, profiles, and surveys, on applications for road improvements, when the application fails and the county commissioners refuse to order the construction of the road, shall be carefully preserved in the office of the county auditor, and the county commissioners are authorized to use the same, if practicable, on any new application for the same road, or any part of the same road; and upon such use of said plats, profiles, or surveys, or any part thereof, the persons originally charged with the cost of the same, shall be paid for all, or such part or parts of said plats, profiles, or surveys as may be so used, in the manner now provided by law.

**SEC. 2.** That the benefits of this act shall apply in all

cases where the county commissioners shall make use of plat, profiles, or surveys on file in the auditor's office, prior to the passage of this act.

SEC. 3. That this act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

Supplementary to an act to authorize the incorporation of boards of trade and chambers of commerce.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any association incorporated under the provisions of the act to which this is supplementary, shall have power to purchase or lease suitable grounds, and erect thereon such [buildings] as the board of directors shall deem proper for the interest of such association; and it shall be lawful for such association to lease any portions of such building that are not occupied by or needed for the immediate use of the association.

SEC. 2. Such association shall have power, for the purposes mentioned in the first section of this act, to borrow money, and to execute and sell, or otherwise dispose of its bonds, or other obligations, secured by a mortgage of its property, or otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representative.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed April 30, 1877.

#### AN ACT

To amend section second of an act entitled "An act to authorize county commissioners to locate and construct turnpike roads," passed April 30, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be amended so as to read as follows:

Section 2. That the roads established and constructed under this act, shall be opened not more than sixty feet wide, nor less than forty feet, and at least twenty feet in width

How turn-  
pikes shall  
be con-  
structed.

Proviso.

shall be turnpiked with earth so as to drain freely to the sides, and raised with stone or gravel not less than ten nor more than sixteen feet in width, nor less than twelve inches thick in the center, and not less than eight inches thick at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even, and substantial road: provided, the county commissioners may, in their discretion, cause said road to be constructed wholly of earth when stone or gravel is not accessible to the line of said road. In no case shall the grade of ascent or descent on said road be greater than seven degrees, and the same shall be well provided with all necessary side-drains, waste-ways, and under draining to prevent overflowing or washing by water, and with substantial bridges or culverts at all crossings of water-courses, and said roads shall be free to the public use for travel.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To authorize narrow gauge railroad companies to issue bonds

Narrow  
gauge rail-  
road compa-  
nies may is-  
sue bonds.  
Interest on  
bonds not to  
exceed seven  
per cent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any narrow gauge railroad company heretofore, or that may hereafter be incorporated and organized under the laws of this state, and have authorized the building of a branch road, may issue their bonds, convertible or otherwise, bearing any rate of interest not exceeding seven per cent. per annum, to an amount not exceeding six thousand dollars per mile of such branch road, and sell the same at such times and places, within or without the state, and at such rates as the directors of said company may deem for its best interest; and said railroad company may secure the payment of such bonds by a mortgage on such branch road.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed April 30, 1877.

## AN ACT

To amend section seven of "An act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein," as passed March 29, 1867 [O. L., vol. 64, page 83], as amended April 11, 1876 [O. L., vol. 73, page 169.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above recited act be so amended as to read as follows:

Section 7. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of the county are hereby authorized to issue the bonds of the county, payable in installments, or at intervals not exceeding in all, the period of five years, bearing interest at a rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value, and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and be so placed upon the duplicate for taxation against the lands assessed, and collected in the same manner as other taxes, and the same penalties for delinquencies, and in redemption of lands sold for the non-payment of such assessments shall be valid, the same as in state and county taxes; and when collected, the money arising therefrom shall be applied to no other purpose but the payment of said bonds and interest: provided, that the county commissioners shall build all bridges and culverts on said improvement, and pay for the same out of the bridge fund of the county; and provided further, that no bonds shall be delivered or money paid to any contractor except on the estimate of work done, as the same progresses or is completed.

SEC. 2. That section seven of the original act as amended March 15, 1869 (O. L., vol. 66, page 24), as amended April 11, 1876, (O. L., vol. 73, page 169), be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

County commissioners are authorized to issue bonds to meet expense of road improvements. Interest shall not exceed seven per cent.

Payment of principal and interest to be a charge against lands assessed.

Moneys collected must be applied to pay bonds, etc.

Proviso.

Amendments repealed.

## AN ACT

Relating to certain proposed amendments to the constitution and the publication thereof.

WHEREAS, *The General Assembly of the State of Ohio* (three-fifths of the members elected to each house agreeing thereto)



have proposed amendments to the constitution to be submitted to the electors for their approval or rejection, at the election for senators and representatives in the general assembly, on the second Tuesday of October, A.D. 1877; therefore,

**Electors shall vote upon proposed amendments.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the electors of this state shall vote upon said proposed amendments at the general election in October, A.D. 1877, in the manner and form as prescribed in said amendments.

**Duties of judges and clerks of election.**

SEC. 2. The judges and clerks of the election in each township, ward, and precinct, shall, in addition to the returns provided by law, and at the same time, make return to the clerk of the county, of the vote cast for and against said proposed amendments.

**County clerks shall make returns within twenty days of the election.**

SEC. 3. A return, additional to the return now required by law to be made of the votes cast at such election for state officers, and senators and representatives; and also for and against said proposed amendments to the constitution shall be certified and made by the clerk of each county to the secretary of state, within ten days after said election; and within twenty days after said election the governor, secretary of state, and attorney-general, shall open said returns and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendments, or either of them, and if it appears that a majority of the votes cast at such election have been cast for said proposed amendments, or either of them, the governor shall make proclamation thereof without delay.

**Governor shall make proclamation if majority of votes cast favor proposed amendment.**

**Secretary of state shall publish proposed constitutional amendment in each county.**

SEC. 4. The secretary of state shall cause the amendments to the constitution, proposed at the present session of general assembly, to be published once each week, in not less than one newspaper in each county of the state wherein a newspaper is published, once each week for six months, and until the second Tuesday in October, A.D. 1877; and in counties where more than one newspaper is published, the secretary of state is hereby authorized and required to publish the same in one or more newspapers other than the one in which it shall have been first published, under his direction, from the earliest time practicable, until the second Tuesday of October, 1877; provided, that in counties where the newspapers represent each of the leading political parties, then such amendments shall be published in at least one newspaper of each political party.

**Proviso.**

**Rate to be paid newspapers for publication.**

SEC. 5. The charges for publication shall not exceed sixty per cent. of the rates established in section one of the act, "To fix the price of legal advertising," passed March 25, 1876. The cost of publishing shall be paid out of the state treasury, upon the warrant of the auditor of state, upon vouchers approved by the commissioners of the respective counties where the publication is made, from money in the treasury not otherwise appropriated.

**Sec. 6.** This act shall take effect and be in force from and after its passage.

**C. H. GROSVENOR,**  
*Speaker of the House of Representatives.*  
**H. W. CURTISS,**  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That whenever any chattel mortgage or bill of sale shall be deposited with any township clerk in this state, as provided by law, it shall be the duty of such township clerk to record the same, at the expense of the person depositing such mortgage, in a book to be provided for that purpose at the expense of the township, and he shall be entitled to receive therefor, from the person depositing such chattel mortgage, the sum of forty cents; and when any such mortgage or bill of sale is refiled for the purpose of extending the lien, as provided by law, such township clerk shall enter on the margin of such record any affidavit, credit or statement, which may have been placed thereon since it was recorded, and he shall receive therefor the further sum of twenty-five cents. A certified copy of such record shall be received as evidence in all the courts of this state; and when such mortgage or bill of sale shall have been satisfied, the party holding the same shall forthwith notify the township clerk of that fact, and said clerk shall, without delay, note such cancellation and satisfaction of such chattel mortgage or bill of sale upon the margin of the record thereof, without charge therefor.

Record of  
chattel mort-  
gage or bill  
sale.

Person de-  
positing  
same shall  
pay certain  
fees.  
Township  
clerk shall  
record credit,  
etc.  
Record shall  
be received  
as evidence.

Cancellation  
of mortgage,  
etc.

**Sec. 2.** This act shall take effect on its passage.

**C. H. GROSVENOR,**  
*Speaker of the House of Representatives.*  
**H. W. CURTISS,**  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To provide for the purchase and distribution of the four volumes of J. R. Sayler's Statutes of Ohio, from 1860 to 1875.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the secretary of state is hereby authorized and

Secretary of  
state shall  
purchase  
statutes of  
Ohio.

How bound,  
and index.

How paid  
for.

How distrib-  
uted.

directed to purchase (of Robert Clarke and company, of Cincinnati, Ohio), for the use of the state, three hundred copies each of volumes one, two, three, and four, of J. R. Saylor's statutes of Ohio, at the price of four dollars per volume: provided, said volumes shall contain all the statutes of this state of a general nature passed by the general assembly from——, together with a copious index of the whole, and shall be printed and bound in uniform style as per sample copy furnished.

SEC. 2. Upon the delivery of said three hundred copies each of said volumes to the secretary of state, and upon his certifying that said volumes have been edited, printed, and bound, as provided in section one of this act, the same shall be received by said secretary, and shall be paid for out of the treasury upon the warrant of the auditor of state, upon the presentation of said certificate given by said secretary for said volumes. The secretary of state shall preserve said statutes subject to distribution according to law, and shall keep a record of said distribution.

SEC. 3. The secretary of state shall cause to be distributed in the same manner as the general laws are now distributed, copies of said volumes, as follows: To the offices of the governor, attorney general, secretary of state, treasurer of state, auditor of state, clerk of the supreme court and of the court of common pleas of each county, each one set of four volumes, said volumes to be the property of the state, and to remain in said offices. There shall be placed in the state library six sets of four volumes. One set of four volumes shall be given to each of the following officers, for their own use: The governor, lieutenant governor, attorney general, each supreme judge, each of the members of the codifying and supreme court commission. At the opening of each regular, adjourned, and extra session, of the general assembly, the secretary of state shall deliver to the sergeant-at-arms of the senate and to the sergeant-at-arms of the house of representatives, for the use of each member of the general assembly and presiding officers, one set each of said statutes of four volumes, during said session, and it shall be the duty of said sergeant-at-arms at the close of such session to redeliver all such copies to the secretary of state.

SEC. 4. No copies of said volumes so purchased shall be sold or in any way disposed of except as in this act provided, but the governor shall have power to direct the secretary of state to exchange sets of said statutes, not exceeding thirty-six sets in number, for the statutes of other states.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To amend section seventy of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, as amended April 3, 1862, (S. S. Stat., 543,) as amended February 11, 1874 (O. L., vol. 71, p. 4).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy of the above recited act, as amended February 11, 1874, be so amended as to read as follows:

Section 70. Service may be had by publication in either of the following cases:

In actions brought under the forty-fifth and forty-sixth sections of this code, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown and can not be ascertained.

In actions brought to establish or set aside a will, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown and can not be ascertained.

In actions brought against a non-resident of this state, or a defendant whose place of residence is unknown and can not be ascertained; or a foreign corporation having in this state property or debts owing to them, sought to be taken by any of the provisional remedies, or to be appropriated in any way; or a corporation incorporated under the laws of this state, which has failed to elect officers or appoint an agent upon whom service of summons can be made, as provided by section sixty six of this code, and which has no place of doing business in this state.

In actions which relate to, or the subject of which is real or personal property in this state, where any defendant has or claims a lien or interest, actual or contingent therein; or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state, or a foreign corporation, or where his place of residence is unknown and can not be ascertained.

In actions against executors, administrators, or guardians, where the defendant has given bond as such in this state, but at the time of the commencement of the action is a non-resident of this state, or where his place of residence is unknown and can not be ascertained.

And in all actions where the defendant, being a resident of the state, has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of summons, or keeps himself concealed therein with like intent

And in all actions or proceedings brought to set aside, modify or vacate judgments or decrees, or to impeach the same for fraud, or to obtain an order of satisfaction thereof, and the defendant or one of several defendants is a non-resident of the state:

Service on non-residents and unknown defendants. Actions brought to set aside a will.

Service on foreign corporations, etc.

Actions which relate to real or personal property in this state, etc.

Actions against executors, administrators, or guardians, etc.

Action where defendant has departed from county, or state, etc.

Actions to set aside, modify, or vacate judgments or decrees, etc.

**Provided.**

**How clerk of court shall notify non-residents.**

**How expense is paid.**

Provided, that in all the foregoing cases, where the residence of the non-resident party is known or can be ascertained with reasonable diligence, such residence shall be stated in the published notice, and besides the notice of publication the party making the service shall, immediately after the first publication, deliver to the clerk of the court in which the action is pending, as many copies of the published notice as there are non-resident parties to be served, and the clerk shall forthwith forward through the mail a copy of the printed notice to each one of the non-resident parties to be served, to the residence named in the notice, and shall make a minute thereof on the docket, in connection with the case, the expense of sending such notices to be advanced to the clerk by the party causing the service to be made, the amount thereof to be taxed in the costs the same as other costs of making service; and in all cases in which the residence of the parties to be served is not so disclosed, and is unknown, and can not be ascertained with reasonable diligence, the party making the service, his agent or attorney, shall make and file with the clerk of the court in which the action is pending, and before the hearing thereof, an affidavit that the residence of the party to be served is not disclosed of record in the manner aforesaid, that such residence is unknown to him, and can not be ascertained with reasonable diligence.

The provisions of this section shall also apply to all parties brought into suits by cross petition.

SEC. 2. That section seventy of the above entitled act as amended February 11, 1874, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

#### AN ACT

To amend section four of an act entitled "An act to provide for the partition of real estate," passed February 17, 1831, and took effect June 1, 1831 (S. & C., p. 396)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above entitled act be so amended as to read as follows:

**How partitions shall be made.**

Section 4. That whenever it shall appear to the court that due notice has been given, as aforesaid, and no sufficient reason shall appear why partition should not be made, the court shall proceed to order the partition in favor of such demandant, or all parties in interest, and shall issue their

writ, directed to the sheriff of their county, or in case the estate or estates of which partition is sought, shall be situate in more than one county, then to the sheriff of either of the counties in which the estate or estates may be, commanding him that, by the oaths of three judicious and disinterested freeholders of the vicinity, to be appointed by the court, he cause to be set off and divided to the demandant, or each party in interest in said partition, such part and proportion of such estate or estates as the court shall have ordered. And the said sheriff shall be authorized to fill any vacancy of the commission so appointed by the court, that may occur.

SEC. 2. This act shall take effect and be in force on and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 2, 1877.

#### AN ACT

To amend section one of an act to amend sections one and four of an act entitled "An act to provide for the repair of free turnpike roads in certain counties, and to author ~~ze~~ the county commissioners of any county in this state to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road," passed and took effect April 20, 1874; passed March 17, 1875 (O. L., vol. 72, p. 59); passed April 3, 1876 (O. L., vol. 73, p. 151.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows:

Section 1. That, by virtue of their office, the commissioners of any county having a population of more than fifteen thousand six hundred, and less than twenty thousand seven hundred; also, counties having a population of more than twenty thousand seven hundred and forty-nine, and less than twenty-one thousand seven hundred and fifty; also, counties having a population of more than twenty-one thousand seven hundred and fifty five, and less than twenty-one thousand eight hundred; also, counties having a population of more than twenty-one thousand nine hundred and twenty, and less than twenty-eight thousand; also, counties having a population of more than twenty-nine thousand one hundred, and less than thirty-two thousand; also, counties having a population of more than thirty-two thousand one hundred, and less than thirty-two thousand seven hundred; also, counties having a population of more than thirty-nine thousand nine hundred, and less than forty thousand six hundred, at the last federal census, are hereby constituted a board of turnpike directors, under whose management and

Counties  
which shall  
have a free  
turnpike  
board.

**Directors shall have exclusive management.**

**Duties of directors in making districts.**

**Directors shall meet.**

**Power to appoint superintendent.**

**Auditor shall serve as clerk.**

**Notice to be given of rules adopted to regulate labor and travel.**

**Power to contract for labor, material, etc.**

**Proviso.**

**Further proviso.**

**Notice of appeal shall be filed with probate judge.**

control all free turnpikes in such counties shall be exclusively vested.

That it shall be the duty of such directors, at their first meeting of such board, to divide the county into three districts, as near equal in number of miles of turnpike, and conveniently located, as may be practicable; and each director shall have the personal supervision of one of such districts, subject to all rules and regulations that may be from time to time agreed upon by said board. It shall be their duty to hold a meeting as such board, at such time, within sixty days after the passage of this act, as they may determine, and at least once in three months thereafter, at their office, at the county seat of the county, and shall be governed in all transactions of business by the rules governing county commissioners. They shall have power to appoint suitable persons to superintend the work of repairs on the several turnpikes, and the auditor of the county shall serve as clerk of such board, who shall record the proceedings of said board, in a book to be provided for such purpose by the county commissioners, which shall be open for examination to all persons interested. They shall cause notice to be published in at least one newspaper of general circulation in the county, of such rules as may be adopted for the regulation of labor and travel on said turnpikes, notice of the regular meetings of said board, and, on or before the second Tuesday of April in each year, a statement of receipts and expenditures in detail for the year. They shall have power to contract for labor and material, either at public sale or private contract, as may best subserve the interest of the different roads, and shall certify to the county auditor, on or before the first Monday in June in each year, the amount of money necessary for the purpose of keeping such turnpikes in good repair: provided, that when, in the opinion of said board, the interest of any of said turnpikes require, they are hereby authorized to enter upon any lands in said county, and take the gravel or other material necessary for the repair of said turnpikes, and shall give a certificate to the owner or owners of such material so taken, which shall state the value thereof, together with the amount of damages to said lands by reason of the removal of said material, and the county auditor, upon the presentation of said certificate, shall issue an order on the county treasurer for the amount so certified, who shall pay the same out of the turnpike fund: provided further, that in case said owner or owners are not satisfied with the value so certified by said board, shall have the right to appeal to the probate court of said county, subject to all the provisions of the statutes now in force relating to the condemnation of material for road purposes: provided further, that a notice of such appeal shall be filed with the probate judge of said county, within ten days after the delivery of said certificate.

SEC. 2. That section one of the act above referred to, be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

#### AN ACT

To amend an act entitled "An act to authorize the common councils of certain cities of the first class to issue water works bonds," passed April 11, 1876 (O. L., vol. 73, p. 215).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "an act to authorize the common councils of certain cities of the first class to issue water works bonds," passed and took effect April 11, 1876, be and the same is hereby amended so as to read as follows:

Section 1. That the common council of any city of the first class, which was advanced to that grade between decennial periods, wherein water works have been constructed, for the purpose of providing means for constructing settling reservoirs and additional filter beds, and for the purchase and laying of water pipes, are hereby authorized to issue the bonds of the city for any sum, not exceeding fifty thousand dollars, bearing a rate of interest not to exceed seven per cent. per annum, payable semi-annually, and such bonds shall be made to run for such length of time as such council may determine, not exceeding twenty-five years from the date thereof; provided, that said bonds shall not be sold for less than their par value, and the proceeds thereof shall be applied exclusively to the above named purpose.

Section 2. Said common council shall levy an annual tax upon all the real and personal property of the city subject to taxation, sufficient to pay the interest on the bonds issued by authority of this act.

SEC. 2 [3]. That said original act, as hereby amended, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

Council of  
city of first  
class may is-  
sue bonds to  
construct  
water works,  
etc.

Council shall  
levy tax to  
pay interest  
on bonds.



## AN ACT

To provide for the collection of delinquent taxes.

Duplicate of unpaid tax on personal property to be made by the county auditor.

County treasurers shall collect tax and penalty.

Treasurer's per centum and cost of advertising to be deducted.

Advertise unpaid delinquents by and with advice and consent of commissioners.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several county auditors of this state shall, immediately after each August semi-annual settlement with their county treasurers, make a duplicate of all the taxes on personal property remaining unpaid, as shown by the treasurer's books, and the delinquent record as returned by him to the auditor, which duplicate shall contain the name, valuation and amount of taxes due and unpaid, and the auditor shall add ten per centum to the said taxes, and shall deliver the same to the treasurer, on the fifteenth day of September, annually.

SEC. 2. It shall be the duty of the county treasurer to collect the taxes so charged on said delinquent duplicate, giving receipts therefor, and the taxes and penalty so collected, shall be accounted for by him, at the next semi-annual settlement thereafter with the auditor.

SEC. 3. The treasurer shall be entitled to five per centum on the amount so collected; and it shall be the duty of the several county auditors, after deducting the treasurer's per centum, and the costs of advertising (provided for in this act), to apportion the remaining amount to the several funds, giving to each fund its proportion, according to the several levies for which said taxes were assessed.

SEC. 4. On return of said delinquent duplicate by the treasurer, the auditor, by and with the advice and consent of the county commissioners, shall cause the list of those remaining delinquent, to be advertised in one newspaper in the county, of general circulation therein, for the period of two consecutive weeks from and after the fifteenth day of September of each year; provided, that before said list shall be published, the auditor shall invite proposals for publishing the same, and shall award the same to the newspaper offering to do the same for the lowest sum; provided, that said newspaper shall have a general circulation throughout the county; and the auditor shall draw his warrant in favor of said publisher; provided, the board of commissioners shall first pass upon said account and find the same correct.

SEC. 5. For any neglect or violation of the provisions of this act, the several county auditors and treasurers shall be held liable, as in all other cases provided for by law.

SEC. 6. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

## AN ACT

Supplementary to an act entitled "An act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867, and the acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any assessment, made upon any real estate, by virtue of proceedings had under the acts to which this is supplementary, shall remain unpaid for the period of twelve months after the same shall become due, the auditor of the county in which such real estate is situate, shall, unless otherwise ordered by the commissioners, place the same upon the general duplicate of the county for collection against the real estate so assessed, in the manner now provided by law for making out duplicates for taxes on real estate; and the treasurer of such county shall, thereupon, proceed without delay to collect such assessments in any of the modes now provided by law therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

Delinquent road tax may be placed on tax duplicate for collection.

## AN ACT

To create a board of trustees of the sinking fund in cities of the first class having a population of one hundred and eighty thousand or over.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class having a population of one hundred and eighty thousand or over, there shall be a board designated as the trustees of the sinking fund, to be composed of five citizens of said city, who shall be appointed by the judges of the superior court of said city, and shall serve without compensation; one shall be appointed to serve for one year, two for two years, and two for five years; but all subsequent appointments shall be for five years, except, in case of vacancies, which shall be filled by said court for the unexpired time.

SEC. 2. Before any person appointed to said commission shall assume the duties of said office, he shall take an oath or affirmation to honestly and faithfully administer the duties of said office, and shall give bond, in the sum of one hundred thousand dollars, with not less than two sureties, faithfully to discharge his duties. Said commissioners shall,

Five trustees of the board of sinking fund to be appointed by judges of superior court.

Term of office of trustees.

To assume duties of office.

Organization.

City auditor shall act as secretary of commission. Office of board of trustees. Proceedings of board shall be recorded and at all times open for inspection.

Vote on payment of bonds, interest, etc. Regular meetings of board.

City auditor shall report to board full statement of indebtedness.

Board shall report to city council annually.

City auditor on demand shall report to board.

Trustees of sinking fund certify to council amount necessary to pay bonds of city.

Rate of taxation for bonded debt and redemption of southern railroad bonds.

How funds are to be invested.

immediately after their appointment and qualification, organize by appointing one of their number as president. The auditor of said city shall act as secretary of said commission. The office of the board shall be in some place to be provided by the city council of said city, unless by a vote of the board some place may be provided by them, without any expense to the city. All the proceedings of the board shall be recorded in a journal kept for that purpose, which shall at all times be open to the public, and all questions relating to the purchase or sale of securities, payment of bonds or interest, or involving the payment or appropriation of money, shall be decided by a viva voce vote, with the names of each member voting recorded on the journal, and no question shall be decided unless approved by a majority of the whole board. A regular meeting shall be held on the third Monday of April of each year; but meetings may be called by the president or any three members of the board.

SEC. 3. The city auditor shall, upon the demand of said board, report to them a full and detailed statement of all the outstanding indebtedness of said city for bonds issued, and said board shall in future take charge of and keep a full record of the same, and shall report to the city council at least [once] a year a full and detailed statement of the same, together with a statement of their investments and general financial business for the city, which shall be published in the annual report.

SEC. 4. The city auditor shall, upon the demand of said board, report to them balances belonging to the city to the credit of the sinking fund, interest account, or for any bonds issued for or by said city, and all officers or persons having the same, shall immediately pay the same over to the trustees of the sinking fund, who shall deposit in such place as a majority of said board shall select.

SEC. 5. The trustees of the sinking fund shall, in the month of May of each year, or so soon thereafter as possible, certify to the city council the amount necessary to provide a sinking fund for the future payment of the bonds issued by said city, and which shall not exceed in any one year the sum of one mill nor less than one-half a mill; also, the amount necessary to be levied to provide for the payment of the interest on all the bonded indebtedness of the city, and such further amount as may be necessary to provide a sinking fund for the final redemption of the southern railroad bonds; and said city council shall place the several amounts so certified in the tax ordinance before and in preference to any other item, and for the full amount as certified to them.

SEC. 6. The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, state of Ohio, or city of Cincinnati, and all interest received by them shall be re-invested in like manner; and at no time shall there be over ten thousand dollars kept upon deposit, if investment can be made.

And said trustees shall provide for the payment of all interest on the city bonded debt, and for bonds falling due, and for this purpose only may sell or use any of the securities or money in their possession.

SEC. 7. All moneys shall be drawn by check, signed by the president of the board and attested by the clerk and at least two members of the board; all securities or evidences of debt held by them for the city shall be deposited in some safety deposit company within said city, or if none exists, in one which shall be specially provided by them in some place of safety, and when so deposited, shall only be drawn upon the written application of three members, and in the presence of at least two members of the board.

SEC. 8. Said trustees shall have charge of and receive all moneys paid on bonds issued for the improvement of private property, or the cities' portion of the same, and shall have power, in the name of the city, to enforce the payment of any claim due the city on the same.

SEC. 9. Before the trustees shall fix the rate of taxation for the interest on the southern railroad bonds, they shall have power, and are authorized, to call upon the trustees of said road for a statement of said trust, and shall have power to enter in and examine the same, and any money or property which may be in their possession, and which is not necessary to the use of said road, shall be converted into money and credited to the interest account of said road.

And all moneys or valuable considerations which may be received by said trustees for the running of said road, or any part thereof, and which is not needed for the further construction of the same, shall be received by them, and credited to the interest account as before provided.

SEC. 10. Said trustees shall take charge of the collection of rents due to said city for any property thereof which has been leased or rented by it, and collect said rents, and in case of failure to collect, shall in the name of said city, prosecute the same in any court having proper jurisdiction, and it is hereby made the duty of the city solicitor to attend to such prosecutions, and all moneys so received shall be credited to the yearly interest account of said city, and invested as other funds.

SEC. 11. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 3, 1877.

Use of money and securities.

How moneys shall be drawn and deposited.

Trustees shall have charge of moneys and enforce payment of claims due the city.

Interest on southern railroad bonds, etc.

Disposition of moneys, etc., in possession of railroad trustees.

Trustees shall collect rent on city property.

Power of trustees to prosecute.

Disposition of moneys collected.

## AN ACT

To amend section two hundred of an act to establish a code of civil procedure. [S. & S., page 550.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section two hundred of "an act to establish a code of civil procedure" (S. & S., page 550), be so amended as to read as follows:

## PROCEEDINGS AGAINST GARNISHEE.

Where officers can not get possession of property.

Section 200. When the plaintiff, his agent, or attorney, shall make oath, in writing, that he has good reason to and does believe that any person or corporation, in said affidavit named, has property of the defendant in his possession (describing the same), if the officer can not get possession of such property, he shall leave with such garnishee a copy of the order of attachment, with a written notice that he appear in court and answer, as provided in section two hundred and fourteen. If the garnishee shall not reside in the county in which the order of attachment shall be issued, the process may be served by the proper officer of the county in which the garnishee shall reside (or of any county where the garnishee may be personally served), and the answer of the garnishee shall be made before the clerk of the court of common pleas of the county in which the garnishee may reside, within the time required for the filing of answers by garnishees. Any special examination of such garnishee, which may be ordered by the court, shall be in the county in which he may reside; and should suit be brought against such garnishee, under the provisions of section two hundred and eighteen of this act, such suit shall be brought in the county in which the garnishee shall reside. The above provisions shall apply only to garnishees resident of the state. Garnishees, non-resident of state, shall be compelled to answer in the court in which suit is brought, and in the county where service is obtained.

Where garnishees may be brought.

Clerk of common pleas shall return answer to clerk of court in which suit shall be commenced.

Service of process is binding upon sheriff, clerk, etc.

The clerk of the court of common pleas, before whom the answer aforesaid shall be made, shall transmit the same to the clerk of the court in which the suit shall be commenced, in the same manner as depositions are required to be directed and transmitted, and shall receive for his services such fees as are allowed by law for taking depositions, and to clerks for furnishing certificates, with their seals of office attached. In all cases in which the garnishee shall admit an indebtedness to the defendant, and the court shall order the same or any part thereof, to the plaintiff, if the garnishee shall not pay the same according to such order, execution may issue thereon as upon judgments for the payment of money. The service of process upon the sheriff, coroner, clerk, constable, master commissioner, marshal of any incorporated city or village, or other officer having any money, claim, or other property of the defendant in his possession,

or in which the defendant may have any interest, shall bind the same, from the time of such service, and shall be a legal excuse to such officers, to extend of the demand of the plaintiff, for not paying such money or delivering such claim or property to the defendant, as by law, or the terms of the process in his hands, he would otherwise be bound to do.

SEC. 2. Said section two hundred as amended, shall apply to all cases now pending wherein non-resident garnishees have been served in this state.

SEC. 3. Said section two hundred be and hereby is repealed, and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives,*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 3, 1877.

#### AN ACT

To amend section three hundred and thirteen of the code of civil procedure, as amended March 23, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and thirteen of the code of civil procedure be amended so as to read as follows:

Section 313. No party to a civil action shall be allowed to testify, by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or imbecile, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir, grantee, or devisee of a deceased person, except in the following cases: provided, that nothing herein contained, shall be so construed as to prevent any and all the heirs, grantees and legatees, from testifying in cases to contest the validity of, or to set aside, a will or deed of any ancestor or grantor, under whom they may claim title.

Proviso.

1st. In actions with an executor, administrator, guardian, trustees of infants, heir or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent or parent; and in actions with a guardian of an idiot, or a lunatic, or an imbecile, as above specified, a party may testify to facts which occurred after the appointment of such guardian.

Testimony as to facts.

2d. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent

Testimony of agents as to contracts.

in relation to such contracts, and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent.

Testimony of persons having a direct interest.

3d. In actions of either of the classes above specified, in which any adverse party, or any person having a direct interest in the matter in controversy, shall be called as a witness and to testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations.

Testimony of witness other than an agent.

4th. In actions of either of the classes above specified, in which one party calls a witness other than an agent acting as such, or one interested, to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, the opposite party may testify to the same conversations or admissions.

Testimony as to book accounts.

5th. In actions of either of the classes above specified, in which the claim of defense is founded on book accounts, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself or a deceased person, or by a disinterested person now resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case.

Deposition of a party who has died during the pending of suit. When oral testimony is admissible.

6th. If the deposition of a party who has died during the pending of a suit, shall be given in evidence on the trial of such case, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility; or, if a party, after having given oral testimony in a case, shall die, such oral testimony may be proved on a further trial of the same case, in the same manner as the testimony of other deceased witnesses; and if such oral testimony shall be given, the opposite party may testify to all matters contained therein. In all actions by or against a surviving partner or partners, or surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declaration or admission made by, the deceased partner, or joint contractor, in the absence of his surviving partner or joint contractor.

7th. In actions brought by executors or administrators, under an act passed March 25, 1851, entitled an act requiring compensation for causing death by wrongful act, neglect or default, and all acts amendatory or supplementary thereto.

SEC. 2. Said act of March 23, 1875, is hereby repealed.

SEC. 3. This act shall be in force from its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

W. H. CURTISS,

*President of the Senate.*

Passed May 3, 1877.

## AN ACT

To amend section one of "An act to protect the elections of voluntary political associations and punish frauds therein," as passed April 20, 1874 (O. L., vol. 71, p. 104).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That all elections hereafter to be holden by any voluntary political association or party in this state, for any delegates or managing committee, or for the nomination of candidates for public offices, may be called or ordered by published notice, upon a vote of a majority of the county, city, or township central or controlling committee of such voluntary political association or party of the county, city, or township, which may elect to accept the provisions of this act, which shall state the purpose, time, manner, conditions, together with the place or places of holding such election; also the authority by which the call or notice is published; and the person shall be named therein who is to supervise or preside at each poll where such election is to be holden; and the said person shall be a legal voter of the township, precinct, ward, or election district, for which he is named. Said notice shall likewise declare the qualifications of the persons to vote at such election: provided, that such prescribed qualifications shall not be inconsistent with those expressed in this act.

SEC. 2. That said original section one of the above recited act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 3, 1877.

## AN ACT

Vesting the police commissioners with certain powers and duties of a board of health in cities of the second class having a population of more than thirty-one thousand and less than thirty-five thousand at the last federal census, and not having a board of health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all powers and duties connected with and incident to the suppression and removal of nuisances and infectious diseases, and the appointment of sanitary police by boards of health, as provided in chapter twenty-three of the municipal code, shall be and is hereby vested in the board of police commissioners of such cities of the second

Duties and powers of board of police commissioners in cities of second class.



class as had a population of more than thirty-one thousand and less than thirty-five thousand at the last federal census, and in which there is no board of health.

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

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### AN ACT

To punish offenses on street railroad cars.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, As follows:*

Penalty for using indecent or obscene language, or refusing to deposit fare in box, and refusing to pay fare in street car.

Whoever, being requested by an employe of a street railroad company, or of the person operating such road, to desist from smoking on or in any street car, fails to immediately do so; or uses obscene, profane or indecent language, or engages in a quarrel on or in such car, or, without permission, takes a dog on or in such car, or fails, on demand, to pay the proper fare on or in such car, by delivering the money or a ticket, or depositing the same in a fare-box, as he may be required by any such employe, shall be fined in any sum, not exceeding ten dollars, with costs of suit, and be imprisoned until fine and costs are paid; provided, that on demand of such fare, the person of whom demand is made, may immediately leave the car instead of paying such fare.

Proviso.

Jurisdiction in these cases.

SEC. 2. Police courts and mayors of municipal corporations, in which the whole or any part of the line of such street railroad may be, shall have final jurisdiction of offenses under the preceding section, whether the offense be committed within the limits of the corporation or beyond it.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

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### AN ACT

To repeal an act entitled "an act to authorize the issue of floating debt bonds, in cities of the first class having a population of less than one hundred thousand," passed April 18, 1874. (O. L., vol. 71, p. 94.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That an act entitled "an act to authorize the issuing*

of floating debt bonds, in cities of the first class having a population of less than one hundred thousand, passed and took effect April 18, 1874, (Laws of Ohio, vol. 71, p. 94), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

#### AN ACT

Supplementary to the act passed March 29, 1867, (64 vol., 80; S. & S., 671), entitled "An act to authorize the county commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplemental thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if it shall appear that one or more persons, who have signed the petition asking for such improvement, shall afterward have signed a remonstrance against the same, so that by counting such persons remonstrators instead of petitioners, and thereby the object and prayer of such petition shall be defeated, then, and in that case, said persons, who are both petitioners and remonstrators, shall be held liable, jointly with the petitioners for, and shall pay their proportion of all costs growing out of the presentation of such petition, and the proceedings had thereon; and if said costs are not paid within thirty days after the dismissal of further proceedings in the case, the auditor shall apportion the said costs among such persons, in the proportion of the appraised value of their several lands for taxation, that are within two miles of the route on which the improvement was prayed for, and shall place the same on the grand duplicate for collection, and to become due and payable at the next December collection of taxes thereafter, and the same penalties shall attach to, and the same proceeding shall be had in the collection for delinquency, as in delinquent state and county taxes.

Persons who sign petitions for and remonstrances against, road improvements shall be held responsible for costs, etc.

Auditor to assess costs on petitions, and place same on tax duplicate for collection.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

## AN ACT

To provide for the abandonment of a certain portion of the Hocking canal lying between the first lock below and east of Nelsonville, and the village of Chauncey, Athens county, Ohio.

Vacation of Hocking canal below and east of Nelsonville and Chauncey.

Proviso, reserving material for use of the state.

Board of public works shall remove or sell material within six months.

Canal lessees are not relieved from responsibility.

Provided lessees shall make and file release for damages.

Bed of canal vacated to revert to adjoining land-owners.

Lessees to provide for overflow, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the Hocking canal as lies between the first lock below and east of Nelsonville, and the village of Chauncey, Athens county, be and the same is hereby vacated and abandoned: provided, that all stone, timber, and material of every kind composing the locks, dams, or other structures on so much of said canal as is vacated and abandoned by this act, is expressly reserved to the state, and that the board of public works of the state is authorized, by its agents, within six months after the passage of this act, to enter upon so much of said canal and the premises adjoining said canal, and remove said material to any other portion of said canal, or sell the same, as may be deemed for the best interests of the state; and provided, that it is not intended hereby to relieve the lessees of said canal, or their assigns, from any responsibility or liability imposed upon them by "an act to provide for the leasing of the public works of the state," passed May 8, 1861, or by the instrument of lease executed in pursuance of said act for any such liabilities or responsibilities as have accrued prior to the passage of this act, nor for any negligence as in the care of said canal or any portion of the same, as the said lessees may have been guilty of; and provided further, that the lessees shall execute and file with the board of public works a release for all claims for damages growing out of such vacation.

SEC. 2. That the land upon which the bed of said canal so vacated shall revert absolutely to the owners of the lands adjoining said canal on each side in the manner following, to wit: where the canal divides the land of two or more persons, said canal lands shall revert and the title thereto vest in each, divided by a line drawn along the center of said canal, half over from the line of one of such owners to the line of the other; and in all cases when said canal runs through the land of any person or persons, then such canal lands shall revert to such land-owner.

SEC. 3. That the lessees of the public works aforesaid shall provide for the protection of land-owners along the portion of said canal so vacated from overflow, and from all other breaks in said canal existing at the date of the passage of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

## AN ACT

To amend (42) section thirty-three of an act for opening and regulating roads and highways, passed January 27, 1853 (S. & C., pp. 1297-8).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That (42) section thirty-three of the above entitled act be so amended as to read as follows :

(42) Section 33. That an appeal from the final decision of the trustees of the township, on any petition or report for a road, shall be allowed to the probate court, and the court may order another view of said road, and assessment of damages, or make any other order which may be just and reasonable in the case : provided, the appellant shall enter into bond to the state of Ohio, for the use of the township, in the sum of one hundred dollars, with one or more good and sufficient sureties, to the acceptance of the township treasurer, within fifteen days from the date of the decision of said trustees, conditioned for the payment of all costs and expenses arising from such appeal, if the road shall be established and the assessment of damages shall not be increased by the proceedings had in the probate court, which appeal shall be entered with the probate judge within six days from the filing of the bond with the township treasurers ; and no order shall issue opening any township road until fifteen days after the same shall have been established, at which time the clerk of the township may issue such order, by direction of the trustees, unless an appeal has been perfected agreeably to the provisions of this section.

SEC. 2 This act shall take effect and be in force from and after its passage.

Appeal from final decision of township trustees to probate judge.

Appellant shall give bond for costs.

Bond to be filed with township treasurer.

C. H. GROSNENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4th, 1877.

## AN ACT

To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever an executor or administrator shall become satisfied that the personal assets in his hands belonging to such estate are insufficient to pay the indebtedness thereof, and while there yet remains in the hands of any sheriff or other officer of court, money due, or to become due and payable to him, arising from the sale of real estate on partition which might be sold by such executor or administrator to pay debts, it shall be the duty of such executor or administrator to file, under oath, with the probate court of

Executors and administrators shall file written statement of assets and liabilities where personalty is not sufficient to pay liabilities.

the proper county, a written statement showing all the assets and indebtedness of such estate so far as can be ascertained, and upon the probate court being satisfied from such evidence as may be presented that the personal assets of such estate are insufficient to pay the indebtedness of such estate, the said court shall so find, by a proper entry on the journal thereof, and furnish a certificate to the executor or administrator so applying, stating therein the aggregate amount of the personal assets and indebtedness of such estate, together with the amount which will be required in addition to the amount of the personal assets to pay the debts of such estate.

Moneys or other evidence of indebtedness in the hands of court officials, belonging to estates, to be paid over to administrators or executors on order of court.

SEC. 2. That in any case wherein the real estate has been sold under an order of sale in partition proceedings in any court of this state before final settlement of the estate of such decedent by the executor or administrator thereof with the probate court of the proper county, when it shall be made to appear to the court in which such proceedings in partition were had, that the sheriff, or other officer of such court, has in his hands moneys, notes, or other evidences of indebtedness, the same being the proceeds of the sale made under and by virtue of such proceedings in partition of the real estate of such decedent; and when it shall further be made to appear to such court, on the application of the executor or administrator of such decedent by his motion in writing, together with the certificate of the probate court, that the personal assets of such estate are insufficient to pay the debts and expenses of administration, as provided for in section one of this act, filed in such court, it shall be the duty of such court to order the sheriff, or other officer of said court, to pay over to such executor or administrator, out of any funds so as aforesaid found in his hands, the amount so required, or so much thereof as he may have control of: provided, that nothing herein contained shall be so construed as to prohibit any executor or administrator from proceeding to sell lands belonging to such estate to pay debts, when the same has been sold on partition or otherwise, or the proceeds of such sale fully distributed.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

#### AN ACT

For the better security of head contractors, sub-contractors, and material men, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person who shall perform labor or furnish

machinery or materials for constructing, altering, or repairing any boat, vessel, or other water craft, or for erecting, altering, repairing, or removing any house, mill, manufactory, or other building, appurtenance, fixture, bridge, or other structure, by virtue of a contract with the owner or owners, his or their authorized agents shall have a lien, to secure the payment of the same, upon such boat, vessel, or other water craft, or upon such house, mill, manufactory, or other building, or appurtenance, fixture, bridge, or other structure, and the interest of said owner or owners in the lot of land on which the same shall stand or be removed to.

SEC. 2. That such person, in order to obtain such lien, shall file, within four months from the time of performing such labor or furnishing such machinery or materials, with the recorder of the county where said labor was performed, or machinery or materials were furnished, an affidavit containing an itemized account of the amount and value of such labor, machinery or materials, with all credits and offsets thereon, a copy of said contract, if it be in writing, and if it be not in writing, a statement of the amounts and times of payment to be made thereunder, and a description of the land on which said house, mill, manufactory, or other building, or appurtenance, fixture, bridge, or other structure shall stand or be removed to, and the same shall be recorded in a separate book therefor, and shall operate as a lien from the first item of said labor performed, or said machinery and materials furnished upon or towards the property designated in the first section of this act, and the interest of the owner in the lot or land on which the same shall stand or be removed to, for one year from and after the date of filing said attested account, and in case of any action to enforce said lien within that time, the same shall continue in force until the final adjudication thereof.

SEC. 3. That any person who shall perform labor or furnish materials for constructing, altering, or repairing any street, turnpike, road, sidewalk, way, or drain, ditch, or sewer, by virtue of a private contract between him and the owner or owners of lands abutting thereon, his or their authorized agents, shall have a lien for the payment of the same against said lands of such of said owners as fail to pay, when due, their share of the cost of such construction, alteration and repair.

SEC. 4. In order to obtain such lien, such person shall file, within four months from the time of performing such labor or furnishing such materials, with the recorder of the county where said labor was performed or materials furnished, an affidavit containing an itemized account of the amount and value of said labor or materials an estimate per front foot of the value of said labor or materials along the lines of said street, turnpike, road, sidewalk, or way, ditch, drain or sewer, when said contract is made with several owners, a description of the lands, with the number of front feet abutting on said line or lines of such owner or owners

Lien for work performed materials furnished, etc.

To obtain such lien, itemized account must be filed within four months with county recorder.

Record of liens to be kept by recorder.

Liens on realty for constructing streets, sidewalks, sewers, etc.

Itemized account of value of labor or material per front foot to be filed with recorder within four months.

as fail to pay, a copy of the contract, if it be in writing, and and if not in writing, a statement of the amounts and times of payments to be made thereunder, which shall be recorded in a separate book therefor, and shall operate as a lien on the interest of such delinquent in the abutting lands, from the first item of said labor done or materials furnished, for one year from and after the filing of said attested account, and in case of any action to enforce said lien within that time, it shall continue in force until finally adjudicated.

When several liens be obtained they shall be paid pro rata.

Where property will not sell for sufficient to pay lien by reason of defective title.

Forfeit of lien when holder proceed to sell, lease, etc., when payment has been made or tendered.

Procedure against property beyond the reach of process.

Rights of executors and administrators.

Procedure where payment of claim is not made to contractor, sub-contractor, etc.

SEC. 5. If several liens be obtained by several persons on the same job, in the manner prescribed by the foregoing sections of this act, said liens shall have no priority among themselves, but payment thereon shall be made pro rata.

SEC. 6. If in any action for the enforcement of such lien, the property subject thereto will not sell on execution, by reason of the owner or owners' defective title thereto, the court shall order the officer returning said execution to rent or lease said property, but subject to all prior bona fide liens, until the rents and profits thereof shall pay such lien. Said rents shall be made payable to said officer, or his successor in office, and when paid shall be forthwith returned by him into court, for distribution to the party or parties thereto entitled.

SEC. 7. If any lien holder, after the amount of his lien or judgment thereon, with legal costs, has been paid or tendered him, shall nevertheless proceed to sell, lease, or rent said property so above provided, he shall forfeit said lien, and pay the owner all damages arising to him therefrom, not exceeding the amount of said lien and his costs; and if said lien holder, after the amount of his lien has been satisfied or adjudged against him in any action thereon, shall neglect or refuse, on the written request of the owner to file within ten days thereafter, a certificate of said satisfaction or adjudication, with the county recorder, and to be entered by him on the margin of the record of said lien, said lien holder shall pay said owner, in action by him, all damages arising therefrom, not exceeding the amount of said lien and costs.

SEC. 8. If any lien holder shall proceed under this act against property whose owner resides without the state, or is beyond the reach of process, said lien holder may proceed against such property in attachment, and have the same sold, rented, or leased, as above prescribed.

SEC. 9. That all executors and administrators of owners deceased, shall have the same rights and be subject to the same liabilities under this act that said owners would enjoy or be subject to if alive.

SEC. 10. That any sub-contractor or material man, laborer, mechanics doing any labor or furnishing any machinery or materials towards the construction, alteration, removal, or repair of any property, appurtenances, or structure as described in the first and third sections of this act, under a contract between its owner or owners, his authorized agent

or agents, and the head or principal contractor, or between the head contractor or any sub-contractor and any laborer or mechanic, or person furnishing materials to any contractor, and whose demands therefor shall not be paid when due, may file with said owner or owners, his or their authorized agents, a sworn and itemized account of the amount and value of said labor or materials, with all credits and set off therein; and thereupon said owner or owners, his authorized agents or attorneys, shall detain from said head contractor, all subsequent payments due him under his contract, as hereinafter provided, and as security for said account and those accounts or estimates of other sub-contractors, and material men, laborers, mechanics, or persons furnishing materials to any contractor, who may intervene before the next subsequent payment under said contract, or within ten days thereafter; and in order to notify his fellow sub-contractors or material men of such detention, said sub-contractor or material man, laborers, mechanics, or persons furnishing materials to any contractor, on filing said account with said owner or owners, his authorized agents or attorneys, shall immediately deposit a copy thereof, under penalty of being postponed to his fellow sub-contractors or material men, laborers, mechanics, or persons furnishing materials to any contractor, in case of neglecting the same, with the recorder of the county where such property, appurtenance, or structure is situate; for filing which, or making any copy thereof, or certificate of date of filing, said recorder shall be entitled to the same fees as he now receives for like services in regard to chattel mortgages.

SEC. 11. That upon the deposit of said copy with said county recorder, by said sub contractor or material man, laborers, mechanics, or persons furnishing materials to any contractor, his fellow sub-contractors or material men, laborers, mechanics, or persons furnishing materials to any contractor, in order to be paid pro rata with him out of said subsequent payment or payments, shall file with said owner or owners, or authorized agent, before the first of said subsequent payments falls due, or within ten days thereafter, a sworn account or estimate of the labor, machinery, or materials furnished or to be furnished under their said contracts with the head contractor or sub-contractor, and upon their failure so to do, shall have no recourse against said owner or owners, or his or their authorized agents, for any prior payments made under his contract with his head contractor, or sub-contractor.

SEC. 12. That upon the filing of said account, as provided in section ten of this act, said owner or owners, his authorized agents or attorneys, shall furnish, within five days therefrom, his head contractor, or sub-contractor owing the account, with a copy thereof, and if said head contractor or sub-contractor shall not give, within five days of receipt thereof, said owner or owners, his or their authorized agents, written notice of his intention to dispute said account, or shall neg-

Account to be filed with recorder, and fees therefor.

Payment of claims to be made pro rata.

Unadjusted accounts—how disposed of.



lect or refuse, within five days after giving said last named notice, to begin the arbitration hereinafter provided for settlement of said dispute, or commence an action to adjust said account, he shall be considered as assenting to said account, and thereupon said owners or owners, his or their authorized agents, shall pro rate the payment of the same out of said subsequent payments, with the amounts when due; such sworn accounts or estimates as shall have been, meanwhile, filed by other sub-contractors or material men, laborers, mechanics, or persons furnishing materials to any contractor, and have been assented to or adjusted, as provided for in this act, before the first of said subsequent payments, or within ten days thereafter; but all claims in favor of laborers, mechanics, or persons furnishing materials to any contractor, shall be paid before the claims of sub contractors, and those of sub-contractors before the principal contractors.

Disputed accounts or estimates, how disposed of.

SEC. 13. That if said head contractor shall dispute any account or estimate of his sub-contractors or material men, or any sub-contractor shall dispute any account of any laborer, mechanic, or person furnishing him materials, so filed, and and it can not be adjusted between themselves, it shall be submitted to the arbitration of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen, and their decision, or that of any two of them, shall, in the absence of fraud or collusion, be final and conclusive on the parties.

When contractor or sub-contractor refuse or neglect to pay accounts owners, etc., shall pay the whole or pro rata amount.

SEC. 14. If any head contractor or sub-contractor shall neglect or refuse to pay, within five days after his assent to or adjustment of said account, the amount thereof and costs incurred, to said sub-contractor or material man, laborer, mechanic, or person furnishing materials, the owner or owners, or his or their authorized agents, shall pay, when due, the whole or pro rata amount thereof, as the case may be, as above provided out of said subsequent payment or payments, or within ten days thereafter, and on his failure so to do, said sub-contractor or material man, laborer, mechanic, or person furnishing materials, may recover against said owner, in an action for money had or received when due, the whole or pro rata amount, as the case may be, of his said account or estimate, not exceeding in any case the balance due to said head contractor.

When owners refuse to pay contractors, such contractors, etc., shall be entitled to a lien.

SEC. 15. That if out of said subsequent payments, as they severally fall due under his contract, or within ten days thereafter, said owner or owners, his or their authorized agents, shall neglect or refuse to pay, when due, the whole or pro rata amounts, as the case may be, of such sworn accounts or estimates of such sub-contractor or material man, laborer, mechanic, or person furnishing materials, he shall be entitled to a lien, on filing with the recorder of the county wherein the property is situated on which such labor was performed, or machinery or materials furnished, within forty days from the date of said subsequent payment, an affidavit

containing an itemized account of the amount and value of such labor, machinery, or materials, with all credits and offsets thereon, and the same statements as are required by the second or fourth sections of this act. as the case may be, from head contractors obtaining liens thereunder, which lien shall date back from the first item of said labor, machinery, or materials, and have the same operation, effect, and duration, and be subject to the same obligations with respect to said owner or owners, his or their authorized agents, as the lien of a head contractor in similar cases.

SEC. 16. Said lien shall take precedence over any lien already taken or to be taken by the head contractor, and said liens of laborers, mechanics, or persons furnishing materials to any contractor or sub-contractor, shall take precedence over any lien already taken or to be taken by the contractor or sub-contractor indebted to them; and any assignment or transfer by said head contractor, of his contract with said owner, as well as all proceedings in attachment, or otherwise, against such head contractor, to subject or incumber his interest in said contract, shall save and be subject to the claims of every laborer, mechanic, sub-contractor, or material man, who has furnished any labor, machinery, or materials toward the construction, alteration, removal, or repair of any property designated in this act.

Precedence  
of liens.

SEC. 17. If by collusion or fraud, said owner or owners, his or their agent or agents, shall pay in advance of the payments due under said contract, and thereby diminish the amount of funds for said laborer, mechanic, sub-contractor, or material man, said owner or owners, his or their authorized agents, shall be liable to the amount that would have been due at the filing of said account, in the same manner as if no such payment had been made; but any such payments made by said owner or owners, his or their authorized agent or agents, in good faith to said contractor or others, in order to complete the construction, alteration, removal or repair, any property designated in this act, according to the original contract, shall not be held as fraudulent or collusive.

Where collusion or fraud exists between owner and contractor.

SEC. 18. If the progress or completion of the work on any of the property designated in this act, be suspended by the default or decease of its owner or owners, without consent of such head or sub-contractor, or material man, he or they, or any of them, may proceed with said work, in accordance, however, with the terms of the original plan or contract, and on completion thereof, have either or all the remedies provided by this act.

Completion of work for which contract has been made.

SEC. 19. That the act entitled "an act to create a lien in favor of mechanics and others in certain cases," passed March 11, 1843, the amendatory and supplementary act thereto, passed May 1, 1871, and the amendatory act

Acts repealed.

thereto, passed March 30, 1875, be and the same are hereby repealed, saving all rights however acquired thereunder.

SEC. 20. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

#### AN ACT

Supplementary to an act entitled "an act to provide for the organization and government of municipal corporations, authorizing certain cities therein to construct certain improvements therein named, and to issue bonds for the payment of the same."

Power of city  
of second  
class to make  
improve-  
ments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class in this state, which, by the last federal census, had a population of twelve thousand six hundred and fifty-two, shall have power, whenever they deem it expedient, to make any one or all of the improvements provided for in section six hundred and one of an act entitled "an act to amend section six hundred and one of 'an act to provide for the organization and government of municipal corporations,' passed May 7, 1869 (O. L., vol. 66, p. 251), as amended April 29, 1873 (O. L., vol. 70, p. 192)," as amended April 11, 1876 (O. L., vol. 73, p. 167), and any and all of the improvements provided for in chapter fifty of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869 (O. L., vol. 66, pp. 251-256), and as section six hundred and two of said chapter fifty, as amended April 18, 1870 (O. L., vol. 67, p. 82), as amended March 30, 1875 (O. L., vol. 72, p. 168), and may make any or all of said improvements at one time, or separately and at different times, as may, in the opinion of the council, be most expedient.

Council may  
issue bonds  
to make im-  
provements  
authorized,  
not exceed-  
ing thirty  
thousand  
dollars.

Interest on  
and issuing  
bonds.

Bonds to be  
sold at par.

SEC. 2. For the purpose of providing the means for paying the costs and expenses of making any one or all of the improvements authorized by the first section of this act, the council of such municipal corporation shall have power to issue its bonds for any amount, not exceeding, in the aggregate, thirty thousand dollars, which bonds may be for any length of time not exceeding ten years, at such rate of interest, not exceeding the rate of seven per cent. per annum, payable semi-annually. Said bonds may be issued at such time or times, and in such amount or amounts as the progress of the work and the convenience of the corporation may require. Said bonds shall not be sold or negotiated for less than par; and the proceeds of said bonds shall be applied

to the payment of the costs and expenses of such work, and improvement or improvements, as hereinbefore provided, and to no other purpose whatever.

SEC. 3. For the purpose of more fully carrying out the provisions of this act, the council of said municipal corporation, and the clerk thereof, are not required to be governed by section six hundred and sixty-three of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869 (O. L., vol. 66, p. 252), as amended April 18, 1870 (O. L., vol. 67, p. 85), as amended February 1, 1873 (O. L., vol. 70, p. 21), as further amended April 8, 1876 (O. L., vol. 73, p. 126.)

Council and clerks are not governed by acts herein named.

SEC. 4. The expenses of the improvement or improvements provided for in the first section of this act, shall be assessed and collected in the manner pointed out in chapters forty-nine and fifty, and the several amendments thereto, of which this act is supplementary.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

#### AN ACT

To amend section nine of an act entitled "an act to amend sections twenty-four, twenty-nine, thirty-nine, forty, forty-one, forty-two, forty-four, and forty-five of an act entitled 'an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863,'" passed and took effect May 8, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine of the above entitled act be so amended as to read as follows:

Section 9. There shall be a special board for the equalization of real and personal property, moneys and credits, in cities of the first and second class, to be composed of the county auditor and six citizens of each of said cities, to be appointed by the city council of such city. Said board shall meet annually, at the auditor's office in said cities, on the fourth Monday of May, and shall have power to equalize the value of the real and personal property, moneys and credits within said cities, and shall be governed by the same rules, provisions and limitations that are prescribed for the government of the county boards for the equalization of real and personal property, moneys and credits; that said board shall not be authorized to extend its session beyond the fourth Monday in June in each year, and each member of the city board of equalization shall be entitled to recover for each

Creation of board of equalization in first and second class cities.

Time and place of meeting of board.

Government of board.

Per diem  
compensa-  
tion of board.

day necessarily employed in the performance of the duties enjoined on him by this act two dollars per day, to be paid out of the county treasury on the order of the county auditor.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,

Passed May 4th, 1877.

#### AN ACT

To require inn and boarding-house keepers to provide suitable and efficient fire escapes.

Duty of inn-  
keepers or  
publichouses  
to provide  
fire escapes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of all owners or keepers of inns or public houses where travelers or boarders are lodged, to provide suitable and efficient ladders or other safe fire escapes from the different upper stories of such inn or house, to be easily accessible to each lodger, in case of fire.

Duty of May-  
or to require  
owners of  
publichouses  
to comply  
with this act.

SEC. 2. It shall be the duty of the mayor of each city or incorporated village, to require the owner or keeper of any inn or public house as described in section one of this act, to provide, in not less than sixty days after such notice shall have been given, such aforesaid ladders or fire escapes, and have the same properly placed, and convenient of access to such lodgers; and if any owner or keeper of such inn or public house, shall neglect or refuse to comply with such requirements for the time specified, he or they shall forfeit not less than fifty nor more than three hundred dollars for each month he so fails to comply with the provisions of this act, to be recovered in the name and to the use of such town, in an action for debt.

Forfeiture  
for failure to  
comply when  
notified.

Examination  
to be made  
by proper  
officer every  
six months.

SEC. 3. It shall be the duty of the mayor of such city or incorporated village, personally or by the police marshal or other officer of said village or city acting under his direction, to carefully examine such inns or public houses once in six months, and report or require to be reported, all violations of the provisions of this act, to the council of such city or incorporated village, when proceedings shall be commenced without unnecessary delay against the person or persons so offending.

Prosecution  
of persons  
offending.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

For the protection of wool-growers, and the confiscation of dogs.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That for the keeping of every dog in this state over the age of three months, the owner thereof shall be assessed, and shall pay into the proper county treasury, each year, the sum of one dollar. The sum so assessed shall be placed upon the tax duplicate, and the collection thereof made and enforced in all respects as taxes. The money so assessed and collected, and all money collected on account of any dog listed by the owner for taxation, according to the provisions of section two of this act, shall constitute a special fund, to be set apart and used for the purposes in this act specified, and not otherwise.

**SEC. 2.** That each township and ward assessor, when taking list of personal property, shall ascertain, by oaths or affirmations of the owners, and make returns upon their statements of personal property, of the number of dogs over three months of age within his jurisdiction, specifying the name of each owner, the number of such dogs kept or harbored by him on the day preceding the second Monday of April; and the owner may list or return for taxation any dog kept by him at any arbitrary valuation he may desire to make, without being qualified thereto, and every such owner shall be taxed upon such dog, according to such return, in addition to special assessment aforesaid: provided, if any owner shall list or return for taxation any dog kept by him, and pay the tax thereon when due, at a valuation exceeding fifty dollars, he shall not be liable to said special assessment. The auditor of state shall provide the several county auditors with the necessary forms for carrying into effect the provisions of this act.

**SEC. 3.** That in making up the tax duplicate the county auditor shall add, opposite the name of every person so returned as the owner of any such dog, the number of such dogs kept or harbored by him, and duplicates and tax receipts shall be so made as to show the amount assessed and collected on account of every such dog so returned. If at any time it shall be made to appear to any county auditor that the return of any dog, as aforesaid, has been omitted, he shall make such return himself, and proceed in respect thereto as if the same had been originally made.

**SEC. 4.** That it shall be unlawful for any dog, unaccompanied by any person to be at large away from the premises occupied by the owner of such dog; and any such owner knowingly permitting any dog to be so at large, except as aforesaid, shall be liable to a fine of five dollars for every such offense, to be collected, with costs of prosecution, in the name of the State of Ohio, before any justice of the peace or mayor having jurisdiction.

**Assessment on dogs over three months old.**

**Dog tax to be placed on tax duplicate.**

**Moneys so collected to constitute a special fund.**

**Duty of township and ward assessors to ascertain owner's name and number of dogs.**

**Owners of dogs may list at arbitrary valuation.**

**Proviso.**

**Auditor of state shall furnish forms to carry out provisions of this act.**

**Duty of county auditor in collecting tax.**

**Auditor's duty where omissions are made.**

**Penalty for permitting dogs to run at large unaccompanied by owner.**

**Lawful to  
kill dogs run-  
ning at large.**

**Liability of  
owners of  
dogs that  
kill, injure,  
or worry  
sheep, lambs,  
etc.**

**Duty of  
court having  
jurisdiction.**

**Protection of  
dogs listed  
for taxation.**

**Presentation  
of detailed  
accounts to  
commission-  
ers.**

**Commission-  
ers may al-  
low accounts  
or parts of  
accounts.**

**If fund is  
insufficient  
commission-  
ers shall pro-  
rata ac-  
counts.**

**Excess of  
fund shall  
be transfer-  
red to com-  
mon school  
fund.**

**Time in  
which claims  
must be pre-  
sented.**

**Construction  
of the word  
"dog."**

SEC. 5. It shall be lawful for any person to kill any dog found running at large contrary to the provisions of this act.

SEC. 6. That if any dog or dogs shall kill, worry, or injure any sheep, lamb, goat, or kid, the owner or owners of such dog or dogs shall be jointly and severally liable to any person so endamaged, to the full amount of injury done by any such dog or dogs. And it shall be the duty of any court before whom the trial for damages aforesaid is had, to declare the dog or dogs found to have occasioned the damages, common nuisances, and shall make an order requiring the defendant to kill such dog or dogs, or cause the same to be done, within twenty-four hours after the rendition of judgment.

SEC. 7. That the owner of any dog listed for taxation as aforesaid (but not otherwise), which shall be killed contrary to the provisions of this act, or maliciously injured when not liable to be killed as aforesaid, or shall be carried or enticed away from the premises of the owner for the purpose of being killed or injured, may recover of the person so killing or injuring the same, as exemplary damages, any sum not exceeding that for which such dog stands so returned.

SEC. 8. That any person who may be damaged by the killing or injuring of sheep, may present a detailed account of the injury done with the damages claimed therefor, to the county commissioners of the county wherein such sheep were killed or injured, within the first three days of their next regular session in June or December, and shall make it to appear to the satisfaction of said commissioners, upon parol testimony of at least two other persons being freeholders of the neighborhood where the injury was done, that the same is just and reasonable, that such injury was not caused, in whole or in part, by any dog kept or harbored by the owner of such sheep, and that such owner does not know whose dog or dogs committed such injury, or if known and such account reduced to judgment, it could not be collected on execution. Said commissioners shall hear said accounts in the order of filing, and may allow the same or such parts thereof as they may deem right. If satisfied that such account is correct and just, they shall order the payment thereof out of said fund. If such fund shall be insufficient to pay all such claims allowed, in full, they shall be paid pro rata; and if, after paying all such claims at any such session, there should remain more than one thousand dollars of such fund, the excess shall be transferred to the school fund and used for the benefit of common schools in such county. No claim as aforesaid shall be allowed unless presented at the next session as aforesaid after the accruing thereof.

SEC. 9. That the word "dog" in this act shall be construed to mean any animal of the dog kind, and the word "owner," when relating to dogs, any keeper or harbinger of any dog, or any person permitting a dog to be upon his or her premises.

SEC. 10. That it shall be the duty of each township assessor in this state, at the time of taking lists of chattel property for taxation in each year, to require each person in their several townships, to make a statement, specifying the number of sheep killed by dogs in his district during the preceding year, together with the value of sheep killed and the estimate of injury done, and the assessors are required to make returns of the aforesaid statement to the county auditor of their respective counties at the time of returning the lists of chattel property for taxation.

Duty of township assessors to ascertain number and value of sheep killed by dogs.

SEC. 11. That it shall be the duty of the auditor of each county to furnish to the assessors of their respective counties, such blanks as may be necessary for taking the aforesaid statement and for carrying into effect the provisions of this act; and said auditor shall make out and forward to the auditor of state, a statement showing the number of sheep so killed or injured as aforesaid, and the aggregate loss sustained thereby, and the amount therefor paid as aforesaid in each township in their respective counties.

County auditor to furnish blanks and return same to auditor of state.

SEC. 12. That it shall be the duty of the auditor of state, on receipt of the aforesaid statement, to make out and furnish to the secretary of the state board of agriculture, to be by him published in the annual report of said board, a statement showing the number of sheep killed and the number injured respectively as aforesaid in each county, and the aggregate loss in each county sustained thereby, and the sum so paid thereon, and the amount, if any, remaining in the county treasury liable to be applied to such purpose, also the amount, if any, transferred to the school fund in accordance with the provisions of this act.

Duty of auditor of state.

SEC. 13. That the act entitled an act to raise revenue, protect sheep, and confiscate dogs, passed April 28, and took effect May 1, 1862 (S. & S., p. 9); also, an act to amend an act entitled "an act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24, 1863, passed April 4, 1866 (S. & S., p. 9); also, an act to amend section three of an act entitled "an act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24, 1863, passed April 4, 1866, passed March 13, 1868 (S. & S., p. 10); also, an act entitled "an act more effectually to protect wool growers against loss by dogs," passed March 24, 1860 (S. & C., p. 71); also, an act entitled "an act requiring township assessors to ascertain the number of sheep killed and injured by dogs," passed February 5, 1856 (S. & C., p. 87), be and the same are hereby repealed.

Acts repealed.

SEC. 14. This act shall take effect and be in force from and after June 1, 1877.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.



## AN ACT

To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the state of Ohio (S. & C., p. 295).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-four of the above recited act be amended so as to read as follows:

Width, ascent, and construction of turnpike, plank road, etc.

Proviso.

Section 34. That all turnpikes and plank roads shall be opened not exceeding sixty feet wide, thirty feet of which shall be cleared of brush and logs, and at least sixteen feet shall be made an artificial road, composed of stone, gravel, wood, or other convenient material, well compact together, in such manner as to secure a firm, even and substantial road, and in no case shall the ascent in any such turnpike or plank road be greater than five degrees; provided, that no company or association of individuals, which has been or may hereafter be incorporated for the purpose of making any turnpike or plank road, shall be authorized to erect or keep up any toll gate, or receive toll within the corporate limits of any city or incorporated village, or within eighty rods of the same.

SEC. 2. This act shall take effect and be in force from after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To limit taxation in certain counties in this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of each county in this state, having, at the last Federal census, a population of more than forty-five thousand and less than fifty thousand inhabitants, shall, at their session in June of each year, levy such amount as shall be necessary to provide for the ordinary or general expenses of the county, the building and repair of bridges and culverts, the maintenance of the poor, the repair of county buildings, and all other purposes which are paid out of the county treasury by order of the commissioners, the courts or the auditor, and including any levy authorized by vote of the people, and said commissioners shall, at the time of making said levy, designate the amount which shall be levied for each separate fund; provided, that not exceeding five mills on each dollar valuation of the taxable property of the county shall be levied in any one year.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

# AN ACT

For the better protection of policyholders in life insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every person holding a policy of insurance, issued by any life insurance company on the life of any person, is and hereafter shall be entitled to be furnished by such company with a copy or copies of any application or document, either written or printed, or both, held by such company, upon which such policy was issued, or which may affect the validity of the same. And it is hereby made the duty of any such insurance company, upon demand being made for such copy by the holder of such policy, or by any person upon whose life such policy was so issued, to make out and forthwith furnish to such person or persons a certified copy or copies of any and all such applications or friend's certificates, under the hand of the president, secretary, or other proper officer of said company, and under its seal.

Life insurance companies shall furnish copies of papers on application of policyholders.

SEC. 2. In case such life insurance company shall neglect or fail for thirty days from the time of such demand to furnish to such person a copy or copies of all such papers as are mentioned in the preceding section, and as provided therein, such company shall thereafter be forever barred from setting up by way of defense to any suit on such policy of insurance any error or incorrectness, fraud, or misrepresentation of the person making the same, or any mistake therein whatever, but such application or other paper or document shall thereafter be taken and held, so far as the same may affect any claim under any such policy, or any fund secured thereby, to be in all respects true and correct.

Failure to comply with request will bar company from setting up defense.

SEC. 3. That from and after July first, eighteen hundred and seventy-seven, all life insurance companies doing business in this state, to return with, and as part of any policy issued by such companies, to any person taking such life insurance policy a full and complete copy of each application or other document held by such insurance company, which is intended in any manner to affect the force or validity of such policy, and any life insurance company neglecting so to do, shall as long as it is in default for such copy or copies aforesaid, be estopped from denying the truth of any such

Duty of insurance company after July 1, 1877.

application or other document, and in case such company shall neglect, for thirty days after demand made therefor to furnish such copies as provided in this act, such company shall be forever barred from setting up as a defense to any suit on such policy, any want of truth or any incorrectness of such application or other document.

Applications and medical certificates must be made in ordinary written or printed language.

SEC. 4. That from and after the taking effect of this act it shall be unlawful for any life insurance company doing business in this state, to take any application, medical certificate or other document, for insurance upon the life of any person in cipher, or by character of any sort; other than ordinary written or printed language, and any such application, medical certificate, or other document hereafter taken in violation of this section shall be held to be void and of no effect as against any person claiming under any policy of insurance issued thereon.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 5th, 1877.

#### AN ACT

For enlarging the gas works to the asylum for idiotic youth, and for rebuilding bridge at Cleveland hospital for the insane.

Authority to remove and enlarge gas works.

Appropriation for improvements.

Appropriation for rebuilding bridge, etc., for Cleveland hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the asylum for idiotic youth are authorized to remove and enlarge the gas works of said institution, and for this purpose and necessary work to the engine-house connected therewith, there is appropriated out of any money in the treasury to the credit of the asylum fund not otherwise appropriated the sum of four thousand dollars.

SEC. 2. There is hereby appropriated out of any money in the treasury to the credit of the asylum fund not otherwise appropriated for Cleveland hospital for the insane, for rebuilding bridge and abutments destroyed by freshet, five hundred dollars.

SEC. 3. This act to take effect upon its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 5th, 1877.

## AN ACT

To amend an act entitled "An act to amend an act entitled 'an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio,' passed May 1, 1852, passed April 18, 1856, passed April 14, 1870," passed March 15, 1875. (O. L., 1875, p. 55.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the above recited act of March 15, 1875, be so amended as to read as follows:

Section 1. That any number of persons, not less than three, may associate themselves together, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, for the purpose of constructing and maintaining a canal or canals for hydraulic purposes, with necessary culverts, water-ways and fixtures; building and repairing steamboats and other water-craft; constructing, building and repairing railways, roads and canals; erecting and maintaining tanks for the storage of oil; building and operating dry-docks and marine railways; printing and publishing a newspaper, or books or other publications; quarrying stone, marble or slate; purchasing and using patent rights, with the right to issue license for the same; manufacturing sewer, roofing and flooring tile; boring or digging for oil, salt, or for other vegetable, medicinal or mineral fluid in the earth, and for refining or purifying the same; mining coal, ores and other minerals, or manufacturing the same, in whole or in part, or both, and carrying on business usually connected with the main objects of the corporations aforesaid; and, when organized, shall be a body corporate, having all the privileges, immunities and powers conferred upon manufacturing companies by said act, and shall be governed, in all respects, by the provisions of said act, and the acts supplementary and amendatory thereto.

SEC. 2. That the first section of the act hereby amended be, and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 5th, 1877.

## AN ACT

To authorize railway companies to issue preferred stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any railway company heretofore incorporated under the general laws of this state, for the purpose of constructing a railway, having a gauge not exceeding three feet,

Formation of company for purpose of constructing canal or hydraulic companies, etc.

**Railroad company may issue bonds to construct and equip roads, not to exceed 50 per cent. of capital stock.**

or that may be hereafter incorporated under the general laws of this state, whenever in the opinion of a majority of the directors thereof it may be considered to be to the interest of the company, for the purpose of the speedy and convenient construction or equipment of its roadway, or erecting its depots, or to meet the liabilities incurred, or that may hereafter be incurred, for real estate purchased or leased, or that may be purchased or leased, for the use and benefit of the company, or for either or all of these purposes, is hereby authorized to issue preferred stock, which shall not exceed in amount, fifty per cent. of the authorized capital stock of such company.

**How to issue preferred stock.**

SEC. 2. That before such company shall issue any preferred stock under this act, a majority of the directors of the company, at a meeting called for that purpose, shall declare by resolution their intention to issue such preferred stock, the amount thereof to be issued, and the purpose or purposes for which the same shall be issued, and shall obtain the written consent of a majority in interest of all the stock subscribed, on which the subscriber or owner shall be entitled to vote, and make a record of such consent on the minutes of the company.

**Interest payable on preferred stock.**

SEC. 3. That when such consent is obtained and entered of record, as hereinbefore provided, the directors of the company may issue the preferred stock of the company, in the amount and for the purpose or purposes provided for in resolution of the directors; and such railway company may guarantee to the holders of such preferred stock a semi-annual or quarterly dividend, not to exceed eight per cent. per annum, payable at such place as the directors may designate. The preferred stock herein authorized to be issued, may be sold at such times and places, within or without the state, as may be deemed advisable, at not less than par, the proceeds thereof shall be applied for the purpose or purposes set forth in section one of this act, and by the resolution of the directors, the unpreferred stock shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay the dividends on the preferred stock sold.

**Sale of preferred stock at not less than par.**

**Privilege of redeeming stock at par shall be reserved.**

SEC. 4. That any company issuing such preferred stock, shall reserve the privilege of redeeming and canceling the same at par, at any time after five years from the date of issue; and the owners of such preferred stock shall have the option of having the same converted into unpreferred stock, whenever they shall so elect.

**When holders of preferred stock shall be entitled to vote.**

SEC. 5. That the holders of such preferred stock shall not be entitled to vote any of the shares thereof, at any election of said company, until six months after default of the payment of any dividend, should there be a default of the payment of any dividend for six months after the same becomes due and payable, then and thereafter the preferred stock shall be entitled to the same representation as the unpreferred stock, so long as such default may continue.

SEC. 6. That this act shall take effect on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 5th, 1877.

#### AN ACT

Supplementary to an act entitled "An act supplementary to an act to provide for the organization and government and municipal corporations," passed February 10, 1870, (O. L., vol. 67, p. 7.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class having a population of over two hundred thousand inhabitants, the board of alderman shall consist of eighteen members to be elected at large by the qualified electors of such city to serve for the term of three years, six of said members to be elected annually at each municipal election, held in such city, except that at the first municipal election held in such city after the passage of this act, eighteen members shall be elected, the six receiving the highest number of votes shall serve for three years; the six receiving the next highest number of votes shall serve for two years, and the six receiving the next highest number of votes shall serve for one year; and in case two or more shall receive the same number of votes, their respective terms of office shall be determined by lot; and six members shall be elected annually thereafter in every such city, to serve for the term of three years as aforesaid. And when the members of the board of aldermen of any such city shall be elected and qualified in the manner above provided, the terms of office of all the members of any board of aldermen now existing in any such city affected by this act shall cease and determine. And said board of aldermen and the board of council now provided by and existing under the act to provide for the organization of municipal corporations, passed May 7, 1869, shall together form the common council of such city. The usual notice of such election is hereby dispensed with, and it shall only be necessary for the mayor of such city to issue his proclamation on any day after the passage of this act and before the day of election.

SEC. 2. All laws inconsistent herewith are hereby declared to be inoperative in cities affected by this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

Board of aldermen shall consist of eighteen members.

Serve for three year.

How elected.

Provided.

Usual notice of election dispensed with.

Notice by proclamation.

## AN ACT

To regulate the letting of contracts for the doing of public work and the better protection of mechanics.

State, county, city and other officers to require separate bids for contract work.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any board of commissioners, board of trustees, officers, or board of directors of this state, or of any county, township, city, town, incorporated village, school or road district of this state or of any public institution belonging to the same, or any common council or other municipal authority, who are now or at any time shall be authorized to contract or engage for the erection, repair, alteration or rebuilding of any state house, court house, penitentiary, jail, infirmary, asylum, poor house, work house, school house, bridge, culvert, or other public building or improvement, and who are now or hereafter may be required by law to advertise for and receive proposals for the furnishing of materials and doing the work necessary for the erection of the same, it shall be the duty of such officer, board, or other authority, to require separate and distinct proposals to be made for furnishing the materials or doing the work, or both, in their or his discretion, for each separate and distinct trade or kind of mechanical labor, employment, or business necessary to be used in making such public improvement; and in no case, where more than one such trade or kind of mechanical labor, employment or business shall be required to furnish the materials for and do any such work, shall any bid for the whole of the job, or any greater portion thereof than is embraced in one trade or kind of mechanical labor, employment or business, be received or considered by any such officer, board or authority, in making the award of the contract or contracts for the same; and in all cases the contracts for the doing of the work belonging to each separate trade or kind of mechanical labor, employment or business, or the furnishing of the materials for the same, or both, at the discretion of the said officer or board, or other authority, shall be awarded to the lowest and best separate bidder therefor, and a contract for the same shall, in all cases, be made directly with him or them by the said officer, board or other authority, in the same manner and upon the same terms, conditions and limitations, as to giving bond, with security and otherwise, as are now prescribed by law; provided, that the provisions of this act shall not apply to the erection of buildings and all other structures of a less cost than ten thousand dollars.

Bond required.

Conflicting laws repealed.

SEC. 2. That all the laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the appropriation made for the year 1877, there be and hereby is appropriated for the year 1877, and the first quarter of the year 1878, out of any moneys in the treasury belonging to the general revenue fund, not otherwise appropriated, the following sums, to wit:

*For State Board of Agriculture:*

Encouragement of agriculture, thirteen thousand dollars.	Agriculture.
Contingent expenses, seven hundred and twenty-nine dollars, to be paid upon vouchers filed in the office of the auditor of state, and approved by the auditor.	
For horticultural society, to be paid to the president thereof, five hundred dollars.	Horticulture.

*For Adjutant General's Office:*

Salary of adjutant general, fifteen hundred dollars.	Adjutant general.
Salary of assistant adjutant general, eleven hundred and twenty-five dollars.	Assistant adjutant general.
Salary of one clerk, eleven hundred and twenty-five dollars.	Clerks, state arsenal, etc.
For labor at state arsenal and care of state arms, nine hundred dollars.	
For repairs of state arsenal building, three hundred dollars.	
Contingent expenses, seven hundred dollars.	
For expenses of batteries (section 35, act of 1876) six hundred dollars.	

For expenses incurred on account of militia called into service by the governor on requisition of the sheriffs of Stark and Wayne counties, and by the sheriffs of Stark, Wayne, and Summit counties, and the mayor of the incorporated village of Niles, Trumbull county, to aid the civil authorities in preventing threatened violence and supporting the laws, thirty-five thousand dollars.	Militia.
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For incidental expenses of the militia companies of the state, as required by section thirty four of the act passed April 11, 1876, entitled "an act to amend an act entitled 'an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," ten thousand dollars.	Incidental expenses.
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*For Attorney General:*

Salary of clerk, four hundred and fifty dollars.	Attorney general, contingent, etc.
For purchase of books, fifty dollars.	
For contingent expenses, two hundred dollars.	



For and on account of expenses, costs, and attorneys' fees in the case of Joseph Shields against the state of Ohio, pending in the supreme court of the United States, one thousand dollars.

For chairs in the attorney general's office, sixty dollars.

*For Auditor of State:*

Auditor of  
state's office.

Salaries of clerks, nine thousand and eighteen dollars and seventy-seven cents.

Contingent expenses, eighteen hundred and seventy-five dollars.

For additional file cases, one hundred and fifty dollars.

*For State Board of Public Works:*

Board of public  
works.

Attorney's fees and incidental expenses, two hundred and twenty-five dollars.

Salaries of members, eighteen hundred dollars.

Salaries of resident engineers, twenty-seven hundred dollars.

Salary of clerk, eleven hundred and twenty-five dollars.

Western reserve and  
Maumee  
road.

There is hereby appropriated for the superintendence and repairs of the Western Reserve and Maumee road, whatever money may be collected and paid into the state treasury to the credit of said road, between the 15th day of February, 1877, and the 15th day of February, 1878.

Providence  
slackwater.

Three thousand dollars to complete the removal of obstructions in what is known as the "Providence slackwater," on the Miami and Erie canal: provided, that no part of said appropriation shall be paid out until the board of public works shall have entered into a contract, secured by bond, with responsible parties to fully and entirely complete said work for a price not to exceed the amount of this appropriation.

Survey of  
state lands.

To pay expenses of surveying and appraisement of certain state lands lying near the public works in Shelby county, under act passed April 29, 1872, two hundred dollars.

Miami river.

That there be and hereby is appropriated the sum of ten thousand dollars for the purpose of removing obstructions and improving the Miami river between the Lewistown reservoir and the town of Quincy, Logan county, said work to be done under the supervision of the board of public works, who are required to make a report of their proceedings under this appropriation in their next annual report.

Lewistown

That there be and hereby is appropriated the sum of five thousand dollars for the purpose of compensating owners of lands adjacent to the Lewistown reservoir for damages done by the flooding of said lands with backwater and destruction of drainage by reason of the construction and maintenance of said reservoir; and the board of public works is hereby authorized to settle with owners of said lands and obtain

easement therefor. To assist the commissioners of Shelby county, Ohio, in building the embankment to a bridge across the Laramie reservoir between sections thirty-two (32) and thirty-three (33) in said county, one thousand dollars, to be expended under the supervision of the board of public works.

Laramie reservoir.

*For Commission to Revise and Consolidate the Statutes:*

Salaries of commissioners, five thousand four hundred dollars.

Commission to revise statutes.

Salaries of clerks, two thousand six hundred dollars.

*For Commission to aid the Supreme Court:*

Salaries of members, eleven thousand two hundred and fifty dollars.

Supreme court commission.

Salary of assistant clerk, nine hundred dollars.

Contingent expenses of the clerk of the supreme court commission, one hundred and fifty dollars.

Contingent expenses of the commission, two hundred and twenty-five dollars.

For carpet, one hundred and twenty-five dollars.

For messenger and attendance, nine hundred dollars.

For salary of clerk of supreme court commission, five hundred dollars.

*For Commissioner of State Common Schools:*

Salaries of clerks, two thousand six hundred and twenty-five dollars.

Commissioner common schools.

Contingent expenses, seven hundred and twenty-five dollars.

Traveling expenses, six hundred and fifty dollars.

For compensation of commissioner for extra labor preparing for school exhibit at the centennial exhibition, three hundred dollars, to be paid from the centennial managers' fund.

*For Commissioner of Railroads and Telegraphs:*

Salaries of clerks, sixteen hundred dollars.

Commissioner railroads and telegraphs.

Contingent expenses, three hundred and fifty dollars.

For employing an expert, or experts, to examine railroad bridges, to be paid on the orders endorsed by said commissioner, eight hundred dollars.

*For Commissioner of Fisheries:*

Expenses, six thousand dollars.

Commissioner of Fisheries.

*For Governor:*

For contingent expenses, eighteen hundred dollars.

Salary of executive clerk, eleven hundred and twenty-five dollars.

Governor's contingent fund, etc.

*For State Insurance Department:***Salaries insurance department.**

Salaries of clerk, three thousand nine hundred and seventy-seven dollars.

For extra clerk hire, three hundred dollars.

Contingent expenses, four hundred dollars.

For carpet for office, two hundred dollars.

*For Judiciary:***Judiciary salaries.**

Salaries of supreme judges, superior judges, and common pleas judges, one hundred and twenty-three thousand three hundred and seventy-five dollars.

*For the Legislature:***Legislative appropriation.**

Per diem and mileage of the members of the general assembly, and per diem and mileage of the clerk, assistant clerk, sergeant-at-arms, assistant sergeant-at-arms, messengers, pages, and other employes, under the laws and resolutions of the senate and house, sixty-five thousand dollars.

For contingent expenses of the two houses of the general assembly, eight hundred dollars.

For expenses of committees of the two houses, two thousand dollars.

**Contingent funds.**

For contingent expenses of the clerk of the house, after adjournment of the legislature, fifty dollars.

For contingent expenses of the clerk of the senate, after the adjournment of the legislature, fifty dollars.

*For Law Library:***Law library.**

For books, six hundred and twenty-five dollars.

Salary of the assistant law librarian, seven hundred and fifty dollars.

For covering desks in court, consultation, and library rooms, and for making shelves and cases in library, two hundred dollars.

*For State Library:***State library.**

For books, fifteen hundred dollars.

For books relating to the Mississippi valley, one thousand dollars.

Salary of assistant librarian, seven hundred and fifty dollars.

For extra labor during the years 1875 and 1876, two hundred dollars.

Contingent expenses, three hundred and seventy-five dollars.

*For State Mine Inspector:***State mine inspector.**

Salary of inspector, fifteen hundred dollars.

Contingent and traveling expenses, five hundred dollars.

*For Secretary of State:*

Salaries of clerks, six thousand three hundred dollars.  
 Contingent expenses, twelve hundred dollars.  
 For contingent expenses relating to proposed constitutional amendments, two hundred dollars.

Secretary of state—salaries.

Distribution of laws and journals, two thousand dollars.  
 For stationery, thirty thousand dollars.  
 For Ohio state reports, volumes 28 and 29, seventeen hundred and fifty dollars.

Stationery, distribution of laws, etc.

For new desk, wash-stand, and water-cooler, and for painting walls, varnishing cases, and repairing furniture in office of the secretary of state, six hundred dollars.

For carpet, three hundred dollars.

For lamps furnished to secretary's office, rooms of codifying commission, and committee rooms of house, eighty dollars.

For completing statistical part of the secretary of state's report for 1876, one hundred and fifty dollars.

*For Supervisor of State Printing:*

Contingent expenses, one hundred and fifty dollars.

For state printing, fifteen thousand dollars.

For state binding, fifteen thousand dollars.

For preparing illustrations for report of centennial commissioners, as provided for in senate joint resolution forty-eight, six hundred and thirty dollars.

State printing and binding.

Centennial commissioners.

*For Supreme Court:*

Contingent expenses, three hundred dollars.

Salary of assistant clerk, eleven hundred and twenty-five dollars.

For contingent expenses of the clerk of the supreme court, one hundred and forty-two dollars.

For file cases for clerk, two hundred dollars.

Salary of reporter of supreme court, including salary of reporter for commission to aid supreme court, thirteen hundred and fifty dollars.

Contingent expenses of reporter, one hundred and fifty dollars.

Supreme court—salary of clerk, reporters, and contingent funds.

*For State House:*

Repairing roof and terrace, four hundred and fifty dollars.

Care of state house and grounds, two thousand two hundred and fifty dollars.

Wages of employes, four thousand eight hundred and seventy-five dollars.

Fuel, two thousand six hundred and twenty-five dollars.

Heating apparatus, fifteen hundred dollars.

To pay policeman, five hundred and forty dollars.

For water rent, two hundred and seventy dollars.

State house repairs, wages of employes, fuel, heating, police, water rent, etc.

For covering the diagonal walks on the east half of the state house grounds with asphalt, the sum of two thousand dollars.

For mantel, fire-place, and work, in room occupied by the commission to codify and revise the laws, one hundred and thirty dollars and seventy cents.

*For Salaries of State Officers:*

Salaries of  
state officers.

Governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, state commissioner of common schools, superintendent of insurance, attorney-general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, twenty-three thousand five hundred and fifty dollars.

*For Treasurer of State:*

State treasurer's office.

Salaries of clerks, three thousand and nine hundred dollars.

Contingent expenses, six hundred and fifty dollars.

For night watch, twelve hundred dollars.

For wire protection, two hundred and seventy-five dollars.

For mileage of county treasurers, three thousand five hundred dollars.

*Miscellaneous:*

Clerk of  
house.

For new desk for office room of the clerk of the house, and repairing and varnishing chairs, fifty-nine dollars and fifty cents.

Adjutant-general.

For new mantel, grate, chimney top, and work about same, in adjutant-general's office, one hundred and thirty-one dollars and twenty cents.

Clerk of senate.

For carpet for office room of clerk of the house, thirty-six dollars and fifty-eight cents.

Hall of  
house.

For Brussels carpet and oil cloth, and putting same down in hall of the house, one hundred and ninety-seven dollars and ninety-three cents.

Electrical  
apparatus.

For electrical apparatus for lighting gas in senate chamber, two hundred and fifty dollars.

Clerk of senate.

For contingent expenses of the clerk of the senate, from April 12, 1876, to January 2, 1877, fifty-eight dollars and fifty cents.

State gas inspector.

To pay balance due Harris, Griffith & company for apparatus for state gas inspector, to be paid out of funds collected by assessments upon gas companies, four hundred and fifty-five dollars.

Geological  
survey.

To complete the publication of volume three geological survey, twenty-five hundred dollars.

Geological  
maps.

For publication of geological maps to accompany third volume of survey, eleven thousand seven hundred and fifty dollars: provided, that all papers, maps, plats, manuscripts,

and diagrams pertaining to the state geological survey be by Prof. Newberry, turned over to the secretary of state, on or before the first day of November, A.D. 1877, to be by him kept in his office, subject to the order of the general assembly.

#### ASYLUM FUND.

SEC. 2. That there be and is hereby appropriated out of any money in the treasury, to the credit of the asylum fund, and not otherwise appropriated, the following sums, to wit:

##### *For the Athens Hospital for the Insane:*

For current expenses, seventy-seven thousand eight hundred and fifty dollars.

Athens hospital for insane.

Salaries of officers, two thousand six hundred and fifteen dollars.

For out-buildings and coal-house, three thousand dollars.

For grading and fencing, two thousand dollars.

For enlargement of water works, and to increase water supply and to conduct water through building by extra pipes, seven thousand nine hundred and ninety-three dollars and twenty-eight cents.

Ordinary repairs, two thousand dollars.

Library and pictures, four hundred dollars.

For improvement of road adjoining grounds of hospital, fifteen hundred dollars.

For furnishing material and plastering basement, nine hundred and ten dollars.

##### *For the Columbus Hospital for the Insane:*

For balance due on existing contracts, including retained percentage, forty thousand dollars.

Columbus hospital for insane.

For grading roadways, fences, drainage of pasture lands, and similar improvements, including the cost of running the heating apparatus until the building is opened, twenty thousand dollars.

Salaries of officers, three thousand dollars, and for extra pay to the superintendent while engaged in superintending the completion and furnishing of the hospital, two thousand dollars.

For current expenses, eighty-seven thousand dollars.

For out-buildings, twenty thousand dollars.

For stocking the farm and hospital, five thousand dollars.

For library and pictures, one thousand dollars

##### *For Cleveland Hospital for the Insane:*

For current expenses, eighty-one thousand dollars.

Cleveland hospital for insane.

Salaries of officers, three thousand three hundred and seventy-five dollars.

For ordinary repairs, three thousand dollars.

For heating purposes, nine thousand dollars.

For carpenter-shop and change in laundry, seven thousand dollars.

For laundry machinery, two thousand and two hundred dollars.

For bowling-alleys, five hundred dollars.

For library and pictures, seven hundred dollars.

For improving grounds, two thousand dollars.

For root-cellar, five hundred dollars.

For carriage and harness, five hundred dollars.

For cisterns, twelve hundred dollars.

For piano for male ward, four hundred dollars.

For hose and connections for different wards and for hose-cart for large hose, five hundred dollars.

For rebuilding abutments and drain destroyed by freshet, five hundred dollars.

*For Dayton Hospital for the Insane:*

Dayton hos-  
pital for in-  
sane.

For current expenses, eighty-five thousand dollars.

Salaries of officers, three thousand and eight hundred dollars.

For library, four hundred dollars.

For new furniture, five thousand dollars.

For new floors, inside painting, and ordinary repairs, eleven thousand dollars.

For water tank and boiler, two thousand five hundred dollars.

For fencing, twelve hundred dollars.

*For Longview Asylum:*

Longview  
Asylum.

A sum to be computed and ascertained by the auditor of state, which sum shall bear the same proportion to the appropriations for the other hospitals for the insane of the state as the population of Hamilton county bears to the population of the state, exclusive of Hamilton county, as ascertained by the federal census of 1870.

For the support of the colored insane, in accordance with the terms of agreement with the state, three thousand six hundred dollars.

*For Lucas County Insane Asylum:*

Lucas county  
insane asy-  
lum.

To support patients under the contract made in pursuance of a joint resolution, passed April 27, 1872, eighteen thousand seven hundred and twenty dollars and fifty-seven cents.

*For the Asylum for the Blind:*

Blind asy-  
lum.

For current expenses, twenty-five thousand dollars.

For salaries of officers and teachers, eight thousand seven hundred and fifty dollars.

For ordinary repairs, one thousand dollars.

For furniture, one thousand dollars.

For organ for chapel, and preparing stage for the same, two thousand five hundred dollars.

For iron fence, five thousand dollars.

For asphalt walks and improving grounds, four thousand dollars.

For barn, carriage-house, and work-shop, ten thousand dollars. None of said buildings to be placed upon the lot of land owned by the state on Town street extension, which lies east of an extension of the east line of the state land running north from Friend street.

For the payment of the claim of Bomm and Field, for the additional work and material on the new building for the education of the blind, the sum of thirty-eight hundred dollars.

*For Deaf and Dumb Asylum:*

For current expenses, forty-five thousand dollars.

Deaf and dumb.

For salaries of officers and teachers, fifteen thousand two hundred and fifty dollars.

For repairs, four thousand dollars.

For printing department, fifteen hundred dollars.

*For Asylum for Imbecile Youth:*

For salaries, eight thousand one hundred and forty-eight dollars and forty-four cents.

Imbecile asylum.

For current expenses, forty-four thousand dollars.

For ordinary repairs, four thousand dollars.

For connecting ventilating apparatus to shaft, three thousand five hundred dollars.

For converting old laundry, engine and boiler-house into living rooms for children, and to add two stories to the kitchen, nine thousand dollars.

For the construction of wings to be connected by corridor with the main building, together with the necessary fittings and fixtures for heating and lighting, and to fully complete and furnish the same for use, thirty thousand dollars.

*For Ohio Soldiers' and Sailors' Orphans' Home:*

For current expenses, thirty thousand dollars.

Soldiers' and sailors' orphans' home.

Salaries, twelve thousand dollars.

Ordinary repairs, one thousand dollars.

Fencing, two hundred dollars.

Establishing and maintaining industrial pursuits, three thousand dollars.

Library, two hundred dollars.

Live stock, three hundred dollars.

Trees and grading, five hundred dollars.

Sewerage, two thousand dollars.

New buildings and out-houses, five hundred dollars.

New school-house, thirty thousand dollars.

Furnishing, heating and lighting same, five thousand dollars.

For support of soldiers' and sailors' orphans, outside of



home at Xenia, as provided by section ten of the act to establish the Ohio soldiers' and sailors' orphans' home, passed April 14, 1870, five thousand four hundred dollars.

*For Ohio Penitentiary:*

Ohio penitentiary.

Provisions and current expenses, ninety seven thousand dollars.

Salaries of warden and other officers and guards, seventy thousand dollars.

Manufacture of gas, eight thousand dollars.

Rewards to convicts, seven thousand five hundred dollars.

For books for convicts, one thousand five hundred dollars.

Enlargement and repairs, eighteen thousand dollars.

For new cells, seventy-five thousand dollars.

For new roof and repairing old roof, ten thousand dollars.

Cost of prosecution and transportation of convicts to the penitentiary, ninety thousand dollars.

*For Toledo House of Refuge and Correction:*

Toledo house of refuge and correction.

For support of boys, under contract made by the attorney-general with the city of Toledo, pursuant to act of April 8, 1876, and joint resolution of same date, from date of contract to January 1, 1877, five thousand eight hundred and sixty-five dollars.

For the support of boys under the foregoing contract, eighteen thousand two hundred dollars.

Provided, that the contract under which said boys are supported shall terminate on February 1, 1878, and the probate judge of Lucas county shall transfer such boys at the expense of the state, to the reform farm near Lancaster, at such times and in such detachments as the attorney-general shall direct.

*For State Reform School for Boys:*

Reform school for boys.

For current expenses, forty thousand dollars.

Salaries of officers, twelve thousand dollars.

Water works, two thousand five hundred dollars.

Additional building to accommodate one hundred boys, kitchen and shop, eighteen thousand dollars.

For supplying same with furniture and gas, water, heating and cooking apparatus, two thousand dollars.

Ordinary repairs, three thousand dollars.

Organ for chapel, one thousand dollars.

*For Industrial School for Girls:*

Industrial school for girls.

Current expenses, twelve thousand dollars.

Salaries, three thousand six hundred and thirty-five dollars and eighty-six cents.

Ordinary repairs, five hundred dollars.

Improvement of lawn and sidewalks, five hundred dollars.

For repairing sulphur spring, three hundred and fifty dollars.

For library, three hundred dollars.

Removing old frame buildings from the site whereon the new one is to be erected, three hundred dollars.

For one brick family building, including gas fitting and water pipes, twelve thousand five hundred dollars.

And the said building shall be constructed in all respects, or as nearly as may be, in accordance with the plan and style of the brick family building situate north of the administration building.

For furnishing new building, twelve hundred dollars.

For boiler, pumps, pipes and other necessary apparatus for providing a supply of water for the buildings, twenty-five hundred dollars.

*For Trustees of Benevolent Institutions:*

The necessary expenses of the trustees of the various benevolent institutions, nine hundred dollars.

Benevolent  
institutions.

To defray the expenses of the secretary and board of state charities, two thousand dollars.

For building a turnpike from the "industrial school for girls" to the Bellpoint turnpike, five hundred dollars.

*For State Common Schools.*

SEC. 3. There is hereby appropriated from any moneys raised or accruing to the state treasury for the support of common schools, one million five hundred thousand dollars, or as much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law.

Common  
schools.

*For State Sinking Fund.*

SEC. 4. There is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund, for the payment of interest on the foreign and domestic debt of the state, three hundred and eighty-eight thousand three hundred and fifty-eight dollars.

Transfer of  
funds to pay  
interest on  
state debts,  
etc.

For interest on school and ministerial and other trust funds, which constitute the irreducible debt of the state, two hundred and fifty-one thousand nine hundred and forty dollars and seventy-six cents.

To pay the expenses of the office of commissioners of the sinking fund, including the salary of the clerk, two thousand dollars.

For the payment of a judgment and costs obtained against the state at the January, 1877, term of the Franklin county court of common pleas, in favor of A. Bassett, (see decision of supreme court, Bassett vs. state, 26 O. S., 543,) two thousand eight hundred and ninety-five dollars.

Any unexpended balance of former appropriations, standing to the credit of the agricultural and mechanical college, on December 31, 1876, shall be treated as interest, and shall

Agricultural  
and mechan-  
ical college.

be subject to draft, the same as on said day, anything in the act of February 10, 1870, to the contrary notwithstanding.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

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AN ACT

To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations" (66 v., 149).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty-one of the act of May 7, 1869, "to provide for the organization and government of municipal corporations" (66 v., 149), be so amended as to read as follows:

Trustees  
shall have  
jurisdiction  
of roads,  
streets, etc.

Section 51. The trustees shall have exclusive jurisdiction with respect to all public roads, streets, alleys, sewers, and drains within the corporation; and they shall have power to construct and keep in repair, bridges and sidewalks; lay out, establish, open, widen, narrow, improve, straighten, keep in order and repair, roads, streets and alleys; open and construct and keep in order and repair, sewers and drains; enter upon and take, for the purpose aforesaid, when necessary, land and material; and assess and collect a charge for the construction, improvement and repair of any such road, street or alley; and in case the vacating or narrowing of any street, the right of way and easement therein, of any lot owner shall not be thereby impaired.

SEC. 2. That said section fifty-one be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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AN ACT

To authorize the board of public works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works, if they deem the

same necessary, are hereby authorized and directed to enlarge the culvert under the canal, known as the Williams culvert, on the Millport level, in Pickaway county, to such a depth and size as the agricultural interests and the health of the locality may require; provided, that such enlargement is not to be made until a written agreement has been obtained from the lessees of the said canal, that they will not claim any damages resulting therefrom.

Power of board of public works to enlarge culvert.

Proviso.

SEC. 2. The board of public works is hereby authorized to let said work by contract to the lowest responsible bidder, or cause the same to be done under the supervision of some competent superintendent, as they may deem best for the interests of the state.

Board may let contract.

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, the sum of eleven hundred dollars is hereby appropriated, to be paid out of the general revenue fund, on the certificate of said board.

Appropriation.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To amend section one of an act entitled "An act to authorize cities of the first class having a population of over one hundred and fifty thousand inhabitants, to pay certain claims," passed April 11, 1876 (O. L., vol. 76, p. 214).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above mentioned act be amended so as to read as follows:

Section 1. That all cities of the first class having a population of over one hundred and fifty thousand inhabitants at the last federal census, be and they are hereby authorized to pay all liabilities incurred by the board of improvements up to July 1, 1875, for work done, and repair and cleaning the streets of such city, not to exceed eighty thousand dollars; and the treasurer of such city is hereby authorized to pay each of the commissioners appointed under the act above mentioned, after they shall have completed their work as such commissioners, the sum of not exceeding one hundred and fifty dollars, as compensation, out of said eighty thousand dollars.

First class cities are authorized to pay for work done.

City treasurer is authorized to pay.

SEC. 2. Original section one of the above mentioned act,

be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To repeal section six of an act entitled "An act supplementary to an act entitled an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed and took effect May 1, 1862 (S. & S., p. 767).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the above recited act, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To amend section one of an act entitled "An act providing for the erection of new buildings at the Ohio penitentiary, and making partial appropriations for said institution for the year 1875, passed February 4, 1875. [O. L., vol. 72, page 26.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of said act be amended so as to read as follows:

Directors are  
 authorized to  
 construct ad-  
 ditional  
 building.

Section 1. That the board of directors of the Ohio penitentiary are hereby authorized and required to cause to be erected, as soon as practicable, an additional building, of sufficient size to contain about five hundred modern cells, on the grounds now owned by the state and occupied by said penitentiary, and that they cause to be erected the said five hundred cells therein as soon as practicable, said cells to be not less than eight feet long, five feet wide, and eight feet high, in two rows. No part of said building or cells shall be let by contract, but said board of directors are hereby required to use convict labor in their construction as far as they can with advantage to the state.

Board are re-  
 quired to use  
 convict la-  
 bor.

SEC. 2. That section one of the above named act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

Relating to dower and the mode of fixing the value in money of dower estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions and proceedings for partition of real estate, when the same can not be divided and is ordered to be sold; and in all cases, actions, and proceedings for the sale of real estate by executors, administrators, and guardians, when the widow of any decedent being a party, has a dower interest therein, it shall be lawful for such widow to file her answer in such proceeding, and waive the assignment of dower by metes and bounds in said real estate; and ask the court to have such real estate sold free of dower, and to allow her in lieu thereof, such sum in money out of the proceeds of sale as the court may deem the just and reasonable value of her said dower interest therein.

Widow may request land to be sold free of dower.

Court may allow sum of money from proceeds of sales.

SEC. 2. That said answer of any such widow shall have the same force and effect, and shall be taken and held to be in all respects as a deed of release to the purchaser of such real estate, of the dower interest therein of such widow.

Widow's request shall be held as release to purchaser.

SEC. 3. The guardian of any widow who has been adjudged insane, may appear and answer for her in all such actions, subject to the approval of the judge or court before whom or in which the action is pending, and the answer of such guardian shall have the same force and effect as if such widow answered personally; but such guardian shall be liable to such widow or her heirs for all damages or loss sustained by his fraud or collusion, notwithstanding the approval of the judge or court.

Guardian of widow adjudged insane may appear.

Liability of guardian in case of fraud, etc.

SEC. 4. The act entitled "an act relating to dower, and the mode of fixing the value in money of dower estates," passed April 8, 1857 (O. L., 54, page 90; S. & C., page 622), is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

## AN ACT

Supplementary to "An act to more effectually provide for locating, establishing, and constructing ditches, drains, and water-courses in townships, and to repeal certain acts therein named," passed April 18, 1874 [O. L., vol. 71, page 124.]

Construction of words "ditch, drain, or water-course."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the words ditch, drain, and water-course, or either of them, as in the act to which this is supplementary, and as used in all other acts amendatory and supplementary to said original act, shall be held and understood to embrace and include, with or without being specially mentioned in the petition for a main or principal ditch, drain or water-course, any side, lateral, spur, or branch ditch, drain or water-course, necessary to be constructed, to secure the objects and purposes for which any main or principal ditch, drain or water-course may be constructed.

Where it is necessary to construct more than one channel or branch.

SEC. 2. If it shall become necessary, by reason of islands or otherwise, in the establishment of a ditch, drain, or water-course under the act to which this is supplementary, and under any acts amendatory and supplementary to said original act, to construct more than one channel or branch for the discharge or flow of water, in order to accomplish the ends and purposes for which a ditch, drain, or water-course, may be under said acts established and constructed, the same may be done in one proceeding and under one petition; and said trustees are authorized to make all necessary and proper orders to effectually accomplish the same.

It may be done under one petition.

When trustees may order additional work.

SEC. 3. If it shall be found necessary to protect any ditch, drain, or water-course constructed or to be constructed under said act to which this is supplementary, from being washed out by high water, freshets, or otherwise, that any portion of the same shall be rip-rapped or otherwise protected by stone or timber, the said trustees, in their final order, may direct such additional work to be done, particularly describing its kind and character, and the particular place or places, and the sections on which the same shall be done, and by whom.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

## AN ACT

For the prevention of trespassing upon railway trains and consequent injuries to minors and other persons.

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio*, That no minor or other person shall climb, jump,

step, stand upon, cling to, or in any way attach himself to any locomotive, engine, or car, upon any part of the track of any railroad, unless in so doing he shall be acting in compliance with law, or by permission under the lawful rules and regulations of the corporation then managing such railroad.

SEC. 2. That any person as aforesaid violating the provisions of the first section of this act shall, upon conviction thereof before any court having jurisdiction of such offense, be fined in any sum not exceeding twenty-five dollars, and may, by the court imposing such sentence, be committed to the jail of the county or such other place of imprisonment as may be provided, until such fine and the costs of prosecution shall be paid.

SEC. 3. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7th, 1877.

#### AN ACT

To permit certain cities to make a new contract for the furnishing of gas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second class within this state, having at the last federal census a population of not more than eleven thousand and eighty-two, and not less than eleven thousand and eighty persons, is hereby authorized and empowered, through its said city council, at any time within the period of one year previous to the expiration of the then existing contract for the furnishing of the city and citizens thereof with gas, to enter into a new contract with any good and responsible corporation, party, or parties, including the existing company, for furnishing the city and citizens with gas for a term of years not exceeding ten, said contract to take effect and be in full force at and after the expiration of the contract in force at the time the new contract was made: provided, that at the time a new contract is made previous to the expiration of a contract in force, the price per one thousand cubic feet of gas shall be less than the price charged for the same number of feet under the contract now in force.

Where cities of second class may enter into contract for supply of gas.

Proviso.

SEC. 2. Before proceeding to make said contract, the city council of such city shall, by ordinance or resolution, determine that said new contract is expedient and necessary for the interests of said city, and shall, by ordinance or resolution, provide for the making of said new contract, by ad-

Duty of city council.



To advertise  
for proposals.

Right to re-  
ject all bids.

Award shall  
be made to  
lowest bid-  
der.

Bid to be ac-  
companied  
by bond.

vertising for proposals for the furnishing of gas, in two newspapers of general circulation, published in said city, and in such other newspapers as may be deemed expedient by council, for the period of sixty days. Council may reserve the right to reject any or all bids, provided, however, that when any such contract is made it shall be made with the corporation, individual or individuals, who shall bid to furnish gas as aforesaid for the lowest price, and will give good and sufficient bond for the performance thereof, bids to be received only from good and responsible parties, and accompanied by a bond for the faithful performance of the same, and should council deem it for the best interests of the city so to do, they may enter into said contract.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7th, 1877.

#### AN ACT

To provide for the incorporation of farm laborers' associations.

Associations  
may be  
formed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That associations may be formed in any county of this state, and incorporated for the purpose of promoting the interests of agriculture, and for the relief of distressed farm laborers, or their widows and orphans, whether such widows and orphans be members of any such association or otherwise, and for any other charitable purpose which may be deemed proper by any such association connected with agricultural interests.

Number of  
persons re-  
quired and  
procedure  
necessary to  
form corpor-  
ation.

SEC. 2. That ten or more persons, residents of any county in this state, desirous of becoming incorporated for the objects named in the first section of this act, shall execute, under their hands, articles of agreement as hereinafter specified, and acknowledge the same before any properly authorized justice of the peace or notary public, one copy of which shall be verified by affidavit of ten persons so first associating themselves, or by the trustees of said association, and recorded in the office of the secretary of state, and another verified in like manner, filed in the office of the clerk of the county in which such association shall be formed, and upon execution of such articles of agreement and the filing of such copies as aforesaid, the parties signing the same, and all those who may thereafter become associated with them shall become a body politic and corporate in law for purposes aforesaid.

SEC. 3. The articles of association shall contain—

The names of persons first associating.

The name of such corporation, and the location of its office for the transaction of business.

The purpose for which it is incorporated, as mentioned in the first section of this act.

The number of trustees and regular officers, and the time of holding its annual meetings.

The terms and conditions of membership in such association.

SEC. 4. The business affairs of such association shall be managed by not less than five, nor more than nine trustees, to be chosen by the members thereof, to hold their offices for one year, or till their successors shall be chosen; a treasurer shall be chosen from the board of trustees, who shall give bond to the satisfaction of the trustees, conditioned for faithful performance of the duties of his office, and the other necessary officers shall be chosen from the members of the association; a majority of the trustees shall form a quorum to do business, and they may, from time to time, adopt such by-laws regulating their official business as shall harmonize with the provisions of this act.

Nine trustees to manage, and bond required.

SEC. 5. No such association shall have power to take or hold any real estate, except such as may be actually occupied in the exercise of its legitimate business, but such real estate, so occupied, shall never exceed in value the sum of fifty thousand dollars; and further, such as it may acquire in security for, or satisfaction of, debts justly due it.

Association shall not hold real estate, except such as is actually used.

SEC. 6. All funds received by such association shall be invested as hereinafter specified, after paying necessary expenses, exclusively for the purpose mentioned in the articles of association. Such association may take by gift, subscription, purchase, devise, or loan; but no such loan shall be taken for a less term than three years, nor longer than twenty years, at four per cent. interest, payable semi-annually, to an amount not exceeding one hundred thousand dollars; and it shall be lawful to invest the same upon mortgage, or in county, state, and government securities; but no loan shall be made to any trustee or officer of the association; such association may, however, in its articles of agreement designate the kinds of securities in which its funds shall be invested, in which case no part of its funds shall be invested in any securities other than named in its articles.

Time for which loan may be taken and interest paid.

Association may designate kind of security.

SEC. 7. Every association organized under the provisions of this act, shall make an annual report to the attorney-general, under the signatures of at least a majority of the trustees, attested by the clerk, of a full and true statement of its condition and affairs; and for any willful neglect to make such report within one month after its annual meeting, the attorney-general may proceed against such association to the forfeiture of its charter for such neglect.

Associations shall report to attorney-general.

SEC. 8. Any association or society now existing for any

How association or society may consolidate.

Proviso.

Attorney-general shall report to general assembly.

Election of board of trustees and other officers.

Rights of associations.

of the above purposes, may be consolidated with any one organization under this act, which may be done by a vote or resolution of two-thirds of the members of each, at a meeting called for that purpose, and the vote of each thereof recorded by the clerk of the corporate association; and it shall thereby assume the name or title of such corporate association, and be entitled to all its privileges under the provisions of this act: provided, however, that for the purpose of paying or enforcing the payment of the debts of any such society, or the liabilities and protection of creditors and claimants, the members of such original corporation shall not be liable therefor, any more than though such consolidation had not taken place.

SEC. 9. The attorney-general shall, annually, report to the general assembly, in a condensed form, the number and condition of all such associations, as derived from the annual report of the trustees.

SEC. 10. The board of trustees, and all other officers in the association, shall be elected at the annual meetings of the same, unless as otherwise provided for in case of death or removal, by the by-laws of said association. The said board of trustees shall, annually, organize by electing, by ballot, one of their number as president of said association, who shall also be ex-officio president of the board of trustees, and the said board shall further elect one of their number as treasurer of said association.

SEC. 11. All organized associations under this act shall have the right to keep and maintain libraries and a museum of art, consisting of models of such improved instruments and machinery as may be best calculated to promote the interests of agriculture, to be kept for the benefit of such associations, under such rules and regulations as its members, from time to time, adopt, and also to make all needful by-laws for the good government and regulation of the same.

SEC. 12. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To amend section two of an act entitled "an act to protect more effectually the lives of railroad passengers from casualties by fire," passed May 4, 1869 (O. L., vol. 66, p. 95).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

Section 2 No passenger cars on any railroad within this state shall be lighted by naphtha, or any illuminating oil fluid made in part from naphtha, or wholly or in part from coal or petroleum, or other substance or material which will ignite at a temperature of less than three hundred degrees Fahrenheit. And the commissioner of railroads, by himself or agent, may, at any time, enter the cars running on any of the railroads within this state, and take from any or all lamps therein samples of the oil found there, for the purpose of testing the same; and if it proves of a lower grade than is required by the provisions of this act, it shall be the duty of said commissioner of railroads to bring suit according to the provisions of section four of the act to which this is amendatory.

Regulating  
the lighting  
of passenger  
cars.

Railroad  
commission-  
er or agent  
may exam-  
ine, and  
bring suit for  
violation of  
law.

SEC. 2. That section two of the above named act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To empower trustees of townships to purchase stone or gravel necessary for the improvement of public highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township of any county in this state are hereby authorized and empowered to purchase suitable stone or gravel when deemed necessary for the improvement of the public [roads] within their township; and for the purpose of paying the purchase price of the same they are hereby authorized to levy and assess upon the taxable property of the township such a rate of taxation as will raise any sum not exceeding one hundred dollars in any one year.

Powers of  
township  
trustees.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To amend section one of act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869 (O. L., vol. 66, p. 62), and to repeal an act supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be and the same is hereby amended so as to read as follows:

Power of  
commission-  
ers to make  
special road  
improve-  
ments.

Proviso.

Section 1. That the county commissioners of any county in this state, when they shall become satisfied that the public interests of their county demand and justify special action for the improvement of the roads of such county, are hereby authorized and empowered to appoint three disinterested freeholders of their county as commissioners, to view, survey, and locate, within their said county, one or more roads, beginning at and leading from the county seat of said county, or such other and eligible points as may be deemed proper, and running by such direct and eligible route as they may find best for the public convenience, and terminating at any point within or at the county line: provided, that nothing herein contained shall be construed to authorize or require said county commissioners to construct or maintain any such road within the corporate limits of the town or city where the county seat is located, where, according to the last federal census, more than one thousand inhabitants are contained in such corporate limits.

SEC. 2. That section one of said act be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To provide for the publication of legal advertisements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, in all cases in which publication of any notice or advertisement has been or may be required by law, for any definite period, such publication shall be held to be, or to have been sufficient if publication shall be, or shall have been made for the requisite period in some newspaper of which the one side is printed in the county, or town, or state in which, by law, the newspaper is required to be printed, in which a legal notice or advertisement may be published.

SEC. 2. This act shall take effect from its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

## AN ACT

To amend section two of an act entitled "An act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census," passed April, 1877, and to repeal said original section.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above named act be amended to read as follows:

Section 2. Immediately after the division of said cities, as aforesaid, the said board shall cause to be advertised, in not exceeding three newspapers of general circulation within said cities, an invitation for sealed proposals for cleaning the sewers, catch-basins, avenues, streets, alleys, market-places, wharves, etc., within said districts in said cities, and belonging to the several districts, at a stated sum per annum for each and every year, for the term of not less than one nor more than five years from the date of the contract: provided, that the said proposals may include the removal of all garbage of the said cities, in such manner as may be directed by the said board of improvements: provided also, that separate proposals may be received and contracts made for any particular branch or division of the work herein provided for, at the option of the board of improvements.

Notice by  
publication  
for bids for  
cleaning  
streets, etc.

Proviso.

Separate  
proposals  
may be  
made.

SEC. 2. That said original section two be and the same is hereby repealed, and this act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

## AN ACT

To create a bureau of statistics of labor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall, with the advice and consent of the senate appoint, immediately after the passage of this act, and thereafter biennially on the first Wednesday in January, some suitable person who shall be designated commissioner of statistics of labor, who shall constitute a bureau of statistics of labor, with headquarters in the state house.

Governor  
shall appoint  
commissioner  
of labor  
statistics.

SEC. 2. The duties of such bureau shall be to collect, assort, systemize, and present in annual reports to the general assembly, on or before the third Wednesday in January of each year, statistical details relating to all departments of labor in the state, especially in its relation to the com-

Duties of  
commissioner.

mercial, industrial, social, educational, and sanitary condition of the laboring classes, and to the productive industries of the state.

**Powers of  
bureau.**

SEC. 3. The bureau shall have power to send for persons and papers, to examine witnesses under oath, at some suitable place in the vicinity, where such testimony is to be used, and such witnesses shall be summoned in the same manner, and paid the same fees as witnesses before a court of common pleas.

SEC. 4. The commissioner herein named shall receive a salary of two thousand dollars. The commissioner shall also be allowed his necessary traveling expenses, not to exceed five hundred dollars per annum.

This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

Appropriating money to pay for transcribing certain muster-rolls of the Ohio volunteers into permanent record books, and for obtaining information in regard to union soldiers' graves, and providing for suitable head-stones.

**Appropriation for transcribing muster-rolls.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general reserve fund, and not otherwise appropriated, the sum of two thousand dollars, to be expended under the direction of the governor, in obtaining the information mentioned in section two of this act, and in transcribing into permanent record books already provided, such of the muster-rolls of Ohio volunteers in the war of the rebellion, now on file in the adjutant-general's office, as from frequent handling and other causes have become worn, and are likely to become wholly illegible.

**Duty of adjutant-general.**

SEC. 2. That the adjutant-general be and he hereby is directed, at the earliest date possible, to procure from each county in this state a list of the union soldiers, with name, rank, company, and regiment, who are within said counties, whose graves are unmarked by head-stones, and to report such information to the next general assembly.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

## AN ACT

Supplementary and amendatory of the act entitled "An act to amend sections two, four, and twenty-four of an act entitled, 'an act to preserve the purity of elections.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall be permitted to vote at any election, unless he shall have been a resident of the state one year, a resident of the county three hundred and sixty days, and a resident of the township, village, or ward, in which he resides and offers to vote, three hundred and fifty-five days next preceding the election: provided, (first) no person shall be prohibited from voting by reason of not having been a resident of the proper county, or township, village, or ward, the time above specified, if such person shall have been a bona fide resident of the county thirty days, and of the township, village, or ward in which he resides and offers to vote, twenty days next preceding the election, and shall have complied with the provisions, and registered as required by section five of this act: provided, second, that any person, being the head of a family, and having actually resided in the state, and in the county wherein he may offer to vote, the time required by this act, who shall bona fide remove with his family from one township, village, or ward in such county, to another township, village, or ward therein, shall not be required to reside in such township, village, or ward to which he shall so remove, the time specified in this section, in order to vote therein at any election, except at elections for municipal officers. All judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, as far as the same may be applicable:

1. That place shall be considered the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered to have lost his residence, who shall leave his home and go into another state or county of this state for temporary purposes merely, with the intention of returning.

3. A person shall not be considered to have gained a residence in any county of this state, into which he shall come for temporary purposes merely, without the intention of making such county his home.

4. If a person remove to another state, with an intention to make it his permanent residence, he shall be considered to have lost his residence in this state.

5. If a person remove to another state, with an intention of remaining there an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Time of residence in state.

Time of residence in county, etc., without registration.

Proviso.

Time of residence in county, etc., with registration.

Head of family.

Rules for determination of residence.



6. The place where a married man's family resides, shall generally be considered his place of residence; but if it is a place for temporary establishment of his family, or for transient objects, it shall be otherwise.

7. If a married man has his family fixed in one place, and he does business in another, the former shall be considered his place of residence.

8. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

9. If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered to have lost his residence in this state.

All questions of right to vote determined by judges of elections and sworn testimony.

10. All questions of the right to vote shall be heard and determined by the judges of elections, who shall require at least the sworn testimony of an elector of the proper township or ward, and known to one or more of the judges, as to the truth of the statements of such person whose right to vote has been challenged.

Appointment, qualifications, etc., of registrars.

SEC. 2. Trustees of townships, and the council of cities and villages forming one or more precincts, shall, on the fourth Monday next preceding the general elections in October of each year, appoint two suitable persons of opposite politics, for the registration of voters, in each election precinct in such township, city, or village, who shall be electors of the proper election precinct, and shall hold their office for one year, and shall take an oath or affirmation to discharge their duties according to law. If, for any cause, a register or registers shall not be appointed, or, if appointed, shall be unable, for any cause, to discharge the duties herein enjoined, or shall refuse to discharge the duties of such office, it shall be the duty of the clerk of the proper township, or mayor of the proper city or village (as the case may be) to fill all such vacancies, by appointment, and the person or persons so appointed shall be electors of the proper election precinct, and shall hold their office during the continuance of such cause, and shall take an oath or affirmation to discharge the duties of such appointment according to law.

When township clerk or mayor to appoint.

Place of registration.

SEC. 3. The place for the registration of voters in and for every township, city, or village shall be the usual places of holding elections therein.

Time of registration.

SEC. 4. Registers shall be in attendance at their respective places, for the registration of voters, on the third Friday next preceding every general election in April, October, and November, from eight o'clock A.M., until nine o'clock, P.M., for the purpose of registration, and, if necessary, to give all making application an opportunity to register; they shall continue in attendance thereat, between the hours aforesaid, for two days, and shall personally supervise all registrations.

May continue two days, if necessary.

SEC. 5. Any person to be entitled to vote under the first proviso of section one, shall appear before the registers of the proper election precinct wherein he expects to vote, at the

time and place designated for the registrations of voters, and make and subscribe a statement, in a book to be provided at the expense of the proper township, city, or village, for the purpose, and kept by the registers open at all times to public inspection and examination, which statement shall contain the name of the last preceding place of residence of such person, the voting precinct or ward in which he expects to vote, and the place of his residence therein, the date of his removal thereto, his age, and whether married or unmarried, and shall be subscribed by such person.

Such statements shall be dated and numbered consecutively, beginning with number one of each year.

And the registers shall make, over their own signatures, and deliver to every person so registered before them, a corresponding statement, with a like number and date, which such person shall present to the judges of election when he offers to vote. No person shall register at any other time or place than as above designated.

SEC. 6. That if any person or persons shall willfully make, or authorize to be made, any statement herein required, false in any particular, or shall violate any provision of this act, every such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than twenty nor more than three hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

SEC. 7. Registers, at least ten days before any general election aforesaid, shall make an alphabetical list for their voting precinct, of all persons registered as residing therein and not before so listed, giving with each name the date of removal to such precinct, and the last preceding place of residence, which list he shall forthwith post, or cause to be posted up, conspicuously at the usual place of holding elections in such precinct; and a copy thereof, with the proper number and date of registry in each case added, he shall deliver, or cause to be delivered, to the judges of election of the proper precinct, on every such election day, and before the opening of the polls; and as persons so listed shall present the statements aforesaid, evidencing their registry and vote, their names shall be checked off on said list: provided, any person having duly registered in another precinct, and removed, as provided in the second proviso of section one, to the precinct wherein he offers to vote, and being otherwise qualified, shall, on presenting such statement of registry in such former precinct, and stating under oath that the same is true and correct, be entitled to vote.

The judges of election shall cause such disposition to be made of said lists as will render them convenient for reference at subsequent elections.

SEC. 8. If any register shall fail to perform any duty herein required, he shall be liable to a penalty of one hundred dollars, to be recovered, on complaint of any person, be-

Registration: how, and when, and where made.

Registration books, what to contain.

Corresponding statement.

Penalty for authorizing or making false statements, or violating any provisions of this act.

Misdemeanor and penalty. Alphabetical list to be posted.

Copy, with additions, to be delivered to judges of elections.

Persons listed to present statement, etc.

Head of family may vote in precinct where not registered: when.

Lists to be preserved by judges of election.

Penalty for register or judge of election to neglect duty, etc.

Making or permitting false registration.

Compensation.

"Ward."

Means what.

Wards of certain cities to be subdivided, and how.

Subdivisions designated—how.

When mayor to subdivide, and how.

Notice by publication.

All elections to be held in subdivisions.

Judges to meet at mayor's office.

Who to be judges of subdivision.

fore any court of competent jurisdiction; and if any register or judge of election shall willfully neglect or disregard any duty herein required, or make or permit to be made, any registration, statement, or list, except at the time and place and in the manner prescribed in this act, or shall knowingly make or permit any person to make any false statement, as aforesaid, every such register or judge of election shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined or imprisoned, or both, as provided in section six.

SEC. 9. Registers shall be allowed, by their respective townships, cities, and villages, for their services under this act, such compensation as is allowed by law to judges of election.

SEC. 10. The word "ward," as used in the preceding sections for the purposes of this act, means, and shall be held to mean, any municipal ward not subdivided as hereinafter provided, and any subdivision of a municipal ward so subdivided.

SEC. 11. In every city of fifteen thousand or more inhabitants at the preceding census, having any ward in which more than six hundred ballots are cast at any election, the council thereof shall, immediately after the taking effect of this act, and whenever thereafter occasion may arise, divide by ordinance every such ward into subdivisions of compact territory, for election purposes only, bounded by streets or alleys, or both, so that each subdivision shall contain, as nearly as practicable, three hundred electors resident therein, and shall designate in such ordinance, as wards, such subdivisions by letters of the alphabet, in their order, with the number of such municipal ward added, as, for illustration: ward A, 1; ward B, 1; ward C, 1; ward A, 2; ward B, 2, and so on. If the council of any such city shall fail, for sixty days, to divide any such ward so divisible for election purposes under this act, the mayor of such city shall thereupon divide the same in accordance herewith, and give notice thereof by proclamation, containing the boundaries and designation of every subdivision, and the places of holding elections therein, which proclamation shall be published forthwith in some newspaper published and of general circulation in such city, and shall be recorded in the ordinance record thereof.

SEC. 12. In every municipal ward so subdivided all elections shall be held by and in the subdivisions thereof; and the judges of election for such municipal ward, as now provided by law, shall be judges of election for ward A thereof; and such judges shall meet at the mayor's office on the first Monday of September of each year, at ten o'clock A.M., and shall there select and appoint two judges of election of opposite politics for each of the other subdivisions or wards of such municipal ward. The persons so appointed shall be freehold electors and residents for at least three hundred and sixty days in the ward for which appointed. The mayor

shall forthwith cause notice to be given to each person so appointed, and shall cause a record to be made and kept in his office of such appointments. The persons so appointed shall act as judges of election in their proper subdivisions or wards during the period of one year. They shall take the same oath of office, be subject to the same requirements, penalties, liabilities, and disqualifications, and entitled to the same compensation as other judges of election. They shall designate and appoint two clerks of election of opposite politics, who shall take an oath of office, and shall perform all the duties and be subject to all the liabilities as other clerks of elections. If any of such judges or clerks shall fail to attend at the proper time and place, such judges and clerks, and all additional judges and clerks, shall be chosen and qualified as now provided by law.

SEC. 13. The place of holding elections in every such subdivision or ward of any such municipal ward so subdivided shall be designated and published by the city council, as provided by law in other cases.

SEC. 14. That during the receiving of the ballots at any voting precinct, it shall be unlawful for persons to congregate together in or about such place, so as to hinder or delay any elector in casting his ballot, and it is the duty of the judges of elections, upon complaint being made of such hindrance or delay, and being satisfied that substantial ground of complaint does exist, to order all such persons to disperse, and upon refusal so to disperse, they shall be deemed guilty of a misdemeanor, and shall be punished as provided in section six of this act.

SEC. 15. That the judges of election shall, if requested by any elector, permit the respective candidates, or one or more, not exceeding three of their friends, to be present in the room or place where the judges are during the time of receiving and counting out the ballots.

SEC. 16. Section one of the act entitled "An act to preserve the purity of elections," as amended April 17, 1868, and April 3, 1876, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 17. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

**Mayor to notify.**

**Duties, requirements, etc., of judges of election.**

**Clerks of election—how appointed.**

**Electors present to choose—when.**

**Places of holding to be designated by council.**

**Unlawful to congregate about polls.**

**Judges to order persons to disperse.**

**Misdemeanor to refuse.**

**Friends of candidates may be present, etc.**

**Repeals.**

## AN ACT

To establish a school of mines and mine engineering in the Ohio agricultural and mechanical college.

Course of study.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio agricultural and mechanical college be and they are required to establish in said college a school of mines and mine engineering, in which shall be provided the means for studying scientifically and experimentally the survey, opening, ventilation, care and working of mines, and said school shall be provided with complete mining laboratories for the analysis of ores, coals and other minerals, with all the necessary apparatus for testing the various ores and coals, and also with the models of the most improved machinery for ventilating and operating all the various kinds of mines with safety to the lives and health of those engaged.

Laboratory and models of machinery to be provided.

Professor now employed may teach.

SEC. 2. Said trustees may require one of the professors now authorized to be employed in said institution, to give instruction in the most improved and successful methods of opening, and operating, and surveying, and inspecting mines, and in the methods of testing and analyzing coals and other minerals, especially those found in the state of Ohio. It shall also be the duty of such professor to register all experiments made in testing the properties of the coals and other minerals, and such results shall be published in the annual reports of said trustees. It shall also be the duty of said professor to preserve in a cabinet, suitably arranged for ready reference and examination, suitably connected with this school of mines, samples of the specimens from the various mines in the state, which may be sent for analysis, with the names of the mines and their localities in the counties from which they were sent, and the analysis and a statement of the properties attached. It shall also be his duty to furnish analysis of all minerals found in the state and sent to him for that purpose by residents of this state.

Register of experiments to be kept and published.

Duty to furnish analysis of minerals found. Appropriation.

SEC. 3. There is hereby appropriated out of the general revenue fund the sum of four thousand five hundred dollars, to be expended in providing apparatus, equipments, cabinets, etc., as mentioned in the first and second sections of this act.

SEC. 4. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

## AN ACT

To further consolidate land titles in Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the secretary of state to transfer and deliver to the auditor of state, who shall take charge of the same, all the field notes, maps, records, documents, papers and implements of every description relating to, or used in the surveys of the public lands within the said state of Ohio, which were delivered to the executive of said state, by the surveyors of the United States at Detroit, by order of the general government of the United States, and taken in charge by the secretary of state, under the act passed February 26, 1846 (O. L., vol. 44 p. 65); also, all records of field notes, and other records or papers which may have been added to said collection of records since the passage of said act; also, all records of deeds, and other records or papers of whatever kind relating to lands, which may have been made or deposited in the office of said secretary

**SEC. 2.** That whatever maps, plats, or papers relating to lands within the state, may be found in the office of the governor, shall also be transferred to the office of the auditor of state.

**SEC. 3.** That it shall be the duty of the auditor of state to draft all deeds to be executed by the governor, and when so executed and countersigned by the secretary of state, he shall record the same in a book, or books, prepared for that purpose.

Auditor of state to draft deeds, etc.

**SEC. 4.** That it shall be the duty of the auditor, upon application, to furnish copies of deeds, field notes, records, and other documents placed under his charge by this act, and which said copies, when authenticated by the certificate and signature of said auditor of state, under his official seal, shall be received as legal evidence in all courts within this state; provided, that nothing in this act shall effect the right of any person now in possession of any of the said lands to occupy the same on their title thereto.

Proviso.

**SEC. 5.** That the county surveyors within this state, in the discharge of their duties, shall be governed by the code of general rules and instructions prepared and printed under the provisions of the act passed February 24, 1846, so far as said rules and instructions may be applicable.

Government of county surveyors.

**SEC. 6.** That the auditor shall be entitled to receive the following fees for copies furnished from his office, to be paid by the counties or individuals applying therefor, which said fees shall be applied to the payment of clerk hire in said office, viz.: For a legally authenticated map of a township, two dollars and fifty cents; for a copy of the field notes of all the corners within a township, one dollar and fifty cents; for a copy of township map and field notes of all the corners therein in any county, with maps, and bound and lettered, four dollars

Fees, etc., for copies furnished.

per township; for a copy of the complete field notes of all the surveys of a part of a township, not less than one-fourth thereof, or of one or more entire townships, at the rate of ten cents per one hundred words; for a copy of the plat of a section or part thereof, with field notes of corners, twenty-five cents; for like copy of each additional section or part of section, fifteen cents; for affixing seal of office to copy, fifty cents.

SEC. 7. That the records, maps, plats, papers, documents and implement of every description relating to the public lands within the state of Ohio, in the Virginia military and United States land office at Chillicothe, abolished by the act of congress, approved July 24, 1876, shall be placed in charge of the auditor of state.

SEC. 8. That the act entitled "an act to provide for the safe keeping and preservation of the records, maps and other papers relating to the public surveys of land within the state of Ohio," passed February 26, 1846, be and the same is hereby repealed.

SEC. 9. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

Supplementary to the act entitled "An act relating to juries," passed April 26, 1873; also, an act entitled "An act to amend section two of the act entitled 'An act relating to juries,'" passed April 26, 1873; passed March 9, 1876; also, the act entitled "An act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of each county having, at the last federal census, a population of more than one hundred thousand and less than two hundred thousand inhabitants, shall provide and place in the office of the clerk of such county a wheel, so constructed and arranged that by turning the same the pieces of paper hereinafter mentioned may be thoroughly mixed, and that the names upon such pieces of paper can not be read or seen until withdrawn from such wheel.

SEC. 2. That, on the second Monday in May in each year, the persons then respectively holding the offices of clerk of the court of common pleas, county treasurer, and county auditor, in each county, shall meet in the office of the auditor of such county, at ten o'clock in the forenoon, and shall there select

A wheel to  
be provided.

Time and  
manner of se-  
lecting ju-  
rors.

from such judicious and discreet persons having the qualifications of electors, such number as shall be in the ratio of one to every sixty of the population of such county at the last federal census, to be selected as nearly as may be from the several wards and townships in proportion to their respective population, but no person shall be so selected who shall not be, in the judgment of said officers, competent in every respect to serve as a juror; that, after said officers shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel in the presence of said officers, and said officers shall also, at the same time, make and sign a certificate containing all of said names, which they shall certify to be the names of the persons selected at the time and place aforesaid to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificate shall be filed with said clerk.

Rejection of incompetent jurors.

SEC. 3. That if any person shall attempt, by request, hint, or suggestion, to influence said officers, or any of them, to select or not to select himself or any other person or persons as aforesaid, he shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not more than twenty days, or both, in the discretion of the court.

Penalty for attempting to influence officers.

SEC. 4. That whenever the clerk of any county shall be directed by the order of any court of record therein, or any judge in vacation, to cause any number of persons to be summoned to serve as grand or petit jurors in such court, he shall at once, in the presence of the sheriff, proceed to turn said wheel until said pieces of paper are thoroughly mixed, and shall then draw therefrom the number of names specified in such order, and shall forthwith, unless otherwise directed by said court or judge, issue a venire facias to the sheriff commanding him to summon the jurors whose names were so drawn, to attend as jurors at the time and place specified in said order, and all grand and petit jurors shall be impaneled from persons so selected and summoned as aforesaid.

Manner of selecting grand jury.

SEC. 5. That the sheriff receiving such venire facias shall forthwith summon such persons by reading the same in their presence, or by leaving at their usual places of abode a note or memorandum, substantially as follows, to-wit: I am commanded to summon you, ———, to appear before the (insert the name of the court), to be holden in ———, on the ——— day of ———, A.D. ———, at ten o'clock A.M., to serve as a juror; and shall endorse on the venire facias the names of the jurors and the time when summoned, and return the same to the clerk of said court on the first day of its session.

Servingsummons.

SEC. 6. That if there shall be impaneled for the trial of



**Jurors challenged for cause.**

any case, any petit juror who has been convicted of any crime, which by law renders him disqualified to serve on a jury, or who has an interest in the cause, or who has an action depending between him and either party, or who has formerly been a juror in the same cause, or who is either party's employer, employé, counsellor, agent, steward, or attorney, or who is subpoenaed in good faith in the cause as a witness, or who is akin to either party, or to his attorney, or who has served as a juror two weeks since the preceding last Monday in April, he may be challenged for cause, and in either of said cases, the same shall be considered as a principal challenge, and the validity thereof tried by the court; and any petit juror who shall be returned for the trial of any cause, and against whom no principal cause of challenge can be alleged, may, nevertheless, be challenged on suspicion of prejudice against, or partiality for either party, or for want of a competent knowledge of the English language, or any other cause that may render him, at the time, an unsuitable juror, and the validity of such challenge shall be determined by the court, and each party may peremptorily challenge two jurors.

**When challenge to the array may be made.**

SEC. 7. That a challenge to the array may be made, and the whole array set aside by the court, when the jury, grand or petit, shall not have been selected, drawn, or summoned, or when the officer executing the venire facias shall not have proceeded as prescribed by law, or for the misnomer of a juror or jurors, but such challenge shall only be made before the jury is impaneled and sworn, and no indictment shall be quashed or set aside for any such irregularity or misnomer, if the judges finding the same possess, in fact, the required qualifications to act as jurors.

**When application for special venire facias may be made.**

SEC. 8. That when the sheriff is interested in any cause in any court of record, the party in interest opposed to that of the sheriff, may apply to the court, which, upon such application shall direct a special venire facias to the coroner of the county, commanding him to summon a jury having the qualifications hereinbefore prescribed, to try such cause, and where both the sheriff and coroner are interested as aforesaid, or in case of death, resignation, or absence from the county of both sheriff and coroner, then and in either of such cases the process may be directed to such discreet disinterested person, as the court may name, and the service and return of such person shall be valid to all intents and purposes.

**When special visits may be made by jurors.**

SEC. 9. That any court of record, in which any action is, or shall be pending, and where it shall appear to the court to be proper that the jurors who are to try the issue therein, should have a view of the messuages, lands, or places in question, in order to their better understanding of the evidence that may be given on the trial, may order a special writ of distringas or habeas corpora juratorum to issue, commanding the sheriff or other officer to whom directed, to have the jurors at the place in question, who then and there shall

have the matters in question shown to them by the two persons named in said writ to be appointed by the courts and the sheriff or other officer executing such writ, shall, by special return on the same, make known the doings thereunder. The expenses of taking said view shall be taxed in the bill of costs, and no evidence shall be given on either side at the taking thereof: provided, that in case no view shall be had, yet said trial shall proceed, and no objection shall be made by either party for want of a view or for want of a proper return thereof.

**Proviso.**

**SEC. 10.** That if either of the officers mentioned in section two of this act, shall be sick or absent from the county, any judge of the court of common pleas may appoint some judicious and disinterested person, to take the place of such officer in making the selection provided for in said second section.

**Absence or sickness of officers.**

**SEC. 11.** If any person summoned as a juror, shall, without reasonable or lawful cause, to be judged of by the court, refuse to serve, he shall be fined in any sum not exceeding thirty dollars, as for a contempt of court. And if any juror, after being qualified, shall willfully refuse or neglect to obey, or observe any order or injunction of the court, he may be fined as for contempt, in any sum in its discretion not exceeding one thousand dollars; and any fines so assessed may be collected by execution, and shall be paid into the county treasury, and disbursed as other fines.

**Penalty for refusing etc., to serve as juror.**

**SEC. 12.** That no person shall be required to serve as a juror more than two weeks in any one year, beginning with the last Monday of April; and after any person shall have served two weeks in any such year, the court shall, on motion, discharge him from further service; provided, however, that nothing herein contained shall entitle or require any juror to be discharged from the grand jury during its session, or from a petit jury during the trial of a cause; and, provided further, that all courts shall so arrange and conduct the witnesses as to require the attendance of jurors upon its business during as short a time as possible.

**SEC. 13.** That active members of fire engine companies, hook and ladder companies, or other companies for the extinguishment of fires, during the time they may continue such active members; active and contributing members of all military companies and batteries, and all clergymen and priests, physicians, attorneys at law, and all public officers, while in office, shall be exempt from serving on juries.

**Exemptions from jury duty.**

**SEC. 14.** That each grand and petit juror shall be allowed the sum of one dollar and fifty cents per day for each and every day he may serve, and five cents per mile from his place of residence to the county seat, and the compensation of such juror shall be certified by the clerk of the court, and the compensation so certified shall be paid by the county treasurer on the order of the county auditor; and to jurors on inquest holden by coroners or justices, each juror to

**Compensation for jurors, how paid.**

receive one dollar per day, and mileage as aforesaid, to be paid out of the county treasury on the order of the county auditor, who shall be furnished by the coroner with the names of the jurors.

SEC. 15. That whenever it shall become necessary, the officers named in the second section of this act shall meet at such time and place as the court of common pleas may appoint, and shall then select such number of persons as the said court may by its order direct, and the names of such persons shall be selected, written and deposited in said wheel, and certified to as is provided in said second section.

SEC. 16. That this act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To provide a warehouse, create the office of inspector of leaf tobacco, and regulate the inspection of tobacco.

Tobacco  
warehouse,  
how and  
when pur-  
chased.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor shall, immediately after this act takes effect, appoint three commissioners, whose duty shall be to procure by purchase for the state, the necessary lot or lots and buildings, in the town of Bellaire, Belmont county, or Marietta, Washington county, as they may deem for the best interests of the state and the producers of tobacco, for a state tobacco warehouse. If the lot or lots so purchased, shall have the necessary buildings already constructed thereon, the commissioners shall cause the necessary repairs or alterations to be made upon such buildings; or, if there be no buildings thereon, then the commissioners shall cause the necessary buildings to be constructed, by advertising for thirty days for proposals for the construction thereof, and awarding the contract to the lowest responsible bidder, who shall be required to give bond in such sum as said commissioners shall deem sufficient, with good security, for the faithful performance of the conditions of the contract; said contract and the contract for the purchase of the lots and buildings aforesaid, to be approved by the judge of the court of common pleas of the county in which such warehouse is situated.

Inspector,  
how appoint-  
ed and term  
of office.

SEC. 2. The governor, by and with the advice and consent of the senate, shall appoint, as soon as possible after this act takes effect, an inspector of leaf tobacco, whose term

of office shall be two years from the date of his appointment.

SEC. 3. Said inspector shall, before entering upon the discharge of the duties of his office, give bond to the state of Ohio, in the sum of thirty thousand dollars, conditioned for the punctual and full returns at the end of each quarter, of all the transactions in his office of inspector of leaf tobacco, and for the faithful performance of all the duties imposed upon him by law, said bond to be approved by the judge of the court of common pleas of the county in which such warehouse is situated, and recorded and filed in the office of the recorder of said county.

Bond of  
inspector.

SEC. 4. Any inspector of tobacco who may be appointed as aforesaid, and shall have given bond and caused the same to be filed as aforesaid, and taken an oath of office according to law, shall take charge of all books, furniture, appurtenances and effects belonging to the state tobacco warehouse provided for by this act, and shall receipt to his predecessor for the same.

SEC. 5. No inspector of tobacco, or other person appointed or employed in the state tobacco warehouse, shall be engaged in the purchase or sale of tobacco, nor shall it be lawful for any person thus appointed or employed in the state warehouse, to receive any gift or emolument whatever, either directly or indirectly, for any favor or service rendered, other than his regular salary as wages, and any person thus convicted shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the penitentiary not exceeding one year.

Penalty for  
receiving  
gift or other  
emolument.

SEC. 6. The inspector of tobacco shall be entitled to appoint a chief clerk and an assistant clerk, and such number of screwmen and laborers as shall be necessary for the economical management of the warehouse. Said inspector shall receive twenty-five per cent. of the receipts for outage, storage, cooperage, reconditioning stays, sale of scraps, etc., and out of this sum he shall pay the necessary clerks, screwmen and laborers and his own salary; the remaining seventy-five per cent. he shall pay into the state treasury.

Appoints  
clerks, etc.

SEC. 7. The inspector of tobacco shall superintend the construction and repair of the state tobacco warehouse, and shall have charge of all the receipts and disbursements of the warehouse, and shall make all contracts for nails or any other articles that may be required for the use of said warehouse, and shall make a regular return to the auditor of state, four times in each year, viz.: December, March, June, and September, showing the receipts and disbursements of his warehouse, with vouchers therefor, setting forth in his report of receipts, the amount received for outage, storage, cooperage, reconditioning stays, sale of scraps, etc., and in his disbursements, the amount paid for labor, nails, lumber, hoops and ordinary incidental expenses.

Duties of  
inspector.

SEC. 8. That in case of the absence of the inspector from

In case of absence of inspector.

the warehouse, by reason of sickness or unavoidable causes, then during his absence his duties shall devolve upon the chief clerk, or such other clerk or employé as he may select or designate, who shall qualify under oath for the proper and faithful discharge of the same.

Business hours.

SEC. 9. That the hours for inspection of tobacco, shall be from seven o'clock A.M. until six o'clock P.M.

SEC. 10. That all tobacco landed or delivered at the warehouse, in the town of Bellaire or Marietta for inspection, shall be taken charge of by the inspector, and the parties delivering the same shall be entitled to receive, upon demand, the inspector's receipt therefor.

How inspection shall be made.

SEC. 11. That the inspector shall have uncased, and break every hogshead of tobacco that may be delivered for inspection, in not less than five different places, and if he shall be of the opinion that such tobacco is sound, clean, and in good order, then he shall select from each break one bundle of the average quality of the break, and the bundle so selected shall be considered the sample of the hogshead; he shall also have the hogshead properly marked with its number, the year of its inspection, and the initials of the owner on each head and on the bilge, and shall have the tare and net weight marked with iron on the bilge.

SEC. 12. If the inspector shall, upon the examination of any hogshead of tobacco, have reason to suspect that the same is trash or false packed, he shall cause the same to be shaken and repacked, and shall charge for doing so the sum of two dollars per hogshead, to be paid by the owner or his agent.

SEC. 13. It shall be the duty of the inspector to confine the sample of each hogshead of tobacco inspected, by tying together with a strong tape run through the head of said sample in such manner as shall be most likely to prevent the bundles from separating or being pulled out, and shall confine on said sample a paste-board label, on which shall be written the marks and number of the hogshead, the date of inspection, and the name of the warehouse, and shall seal said tape and label with sealing wax, and shall stamp it with the seal of the warehouse whenever the hogshead of tobacco is redrawn or reviewed, the sample and label thereon of the original inspection shall be returned to the inspector, to be by him destroyed, and the label or the sample given at the redrawing or reopening of the tobacco shall show that the hogshead has been reinspected or reviewed.

Penalty for tampering with samples.

SEC. 14. Any person or persons tampering with any sample of tobacco after it shall have passed from the custody or control of the inspector, shall be liable to a fine of not less than one hundred dollars, on conviction thereof, before any justice of the peace or other court of competent jurisdiction.

Books, how kept.

SEC. 15. The inspector shall cause to be kept in proper books, the name of the owner, the number, gross tare, and

net weight of every hogshead of tobacco inspected by him, the state where grown, the consignee of the same, and the name of the party purchasing the same, and for every hogshead so inspected by him he shall issue his certificate or note, stating in such certificate or note, the name or initials of the owner, the number of the hogshead, the state where where grown, the date of inspection, and the gross, tare, and net weight of the hogshead; and he shall make no delivery of any hogshead of inspected tobacco from his warehouse except upon surrender of certificate or note, corresponding with the number of the hogshead.

SEC. 16. If any certificate or note be lost, or mislaid or destroyed, the person entitled to receive the tobacco by virtue of such note or certificate, may make oath, before a justice of the peace, to the effect of said note being lost, and shall take a certificate to that effect from such justice of the peace to the inspector, and deposit the same with him, then the inspector may deliver to such person a new note or certificate, with marks, numbers, weights, and date corresponding with the former note, and shall thereby be discharged from all actions and demands on account of such former note or certificate.

SEC. 17. No person shall be entitled to receive a new note or certificate in lieu of any note or certificate lost or mislaid, unless he shall notify the inspector within twenty days after such note or certificate is first discovered to be lost or mislaid.

SEC. 18. All tobacco inspected in the warehouse, which may be condemned or stayed, shall be carefully cased up and weighed, and the gross weight and tare be entered upon a book kept for that purpose, together with the number of breaks in such hogshead as may be stayed, also the cause, whether for false packing, trash, bad order, or wet.

Tobacco condemned or stayed.

SEC. 19. All tobacco thus stayed shall, with all convenient dispatch, be shaken out, reconditioned and packed, under the supervision of the inspector, and reweighed and entered upon the inspection books as all other tobacco.

SEC. 20. The inspector shall charge for reconditioning and repacking all stayed tobacco the following prices:

For one or two breaks, one dollar; for full stay, two dollars, to be paid by the owner or his agents. The charge of outage shall be two dollars for every hogshead not exceeding eleven hundred pounds, and twelve and one-half cents additional on every hundred pounds over eleven hundred, to be paid by the purchaser of the tobacco or his agent.

SEC. 21. The owner of any tobacco that may be stayed or condemned shall have the privilege of removing the same from the warehouse free of all costs or charges whatever, either for outage, cooperage, or storage.

SEC. 22. All tobacco delivered at the warehouse in the in the town of Bellaire or Marietta for inspection, in such condition as to require cooperage, shall be properly coopered and taken care of, and the owner or his agent charged for the

Charges for cooperage.

same not less than twenty-five cents nor more than fifty cents for each hogshead thus coopered.

SEC. 23. All scrap tobacco accruing in the state tobacco warehouse shall be sold by the inspector of tobacco to the best advantage for the benefit of the state, and the proceeds accounted for, with all other receipts, in returns to the auditor of state.

Inspector shall advertise unclaimed tobacco and iron.

SEC. 24. The inspector shall, in the month of April, annually, cause to be inserted in some one newspaper published in the town of Bellaire or Marietta, once a week for four successive weeks, an advertisement stating the weight gross, tare, and net weight, the number, and the name or initials of any hogshead of tobacco that may have been inspected, which has remained in the warehouse for the period of four years, and the owners thereof being unknown to the inspector, and if such tobacco shall not be claimed within thirty days after the termination of the advertisement, the same shall be sold by the inspector in such manner as he shall deem best, and the proceeds thereof accounted for in the first quarterly return thereafter.

SEC. 25. If the owner of any tobacco sold under the preceding section shall, within one year from the date thereof, satisfy the auditor of state that the tobacco sold was his property, the auditor shall draw his warrant on the state treasury for the amount of such sale, after deducting warehouse costs and charges.

Lawful package.

SEC. 26. No tobacco of the growth of this state shall be passed or accounted lawful tobacco, unless the same be packed in hogsheads, not exceeding fifty-four inches in the length of the staves, nor exceeding forty-six inches across the head, and the owners, or their agents, of tobacco packed in any hogshead of greater dimensions shall repack the same in hogsheads of the size herein prescribed, at his own expense, before the same shall be passed.

Where additional room is required.

SEC. 27. Whenever so large an amount of imported tobacco shall have accumulated in the state tobacco warehouse as to delay the inspection, the inspector shall have the right to rent storage for as much as may be necessary to remove, in order to make room for the uninspected tobacco.

Storage.

SEC. 28. Every hogshead of tobacco that shall remain in the warehouse for a longer period than twelve months, the inspector shall charge the owner thereof the sum of fifteen cents per hogshead storage for each month, after the expiration of said twelve months; and all buildings rented or used for the storage of tobacco shall be deemed a part of the state tobacco warehouse.

Appropriation.

SEC. 29. That there is hereby appropriated the sum of ten thousand dollars for the purchase of the necessary lot or lots, and the repair or erection of the necessary warehouse thereon, out of any money in the state treasury not otherwise appropriated.

SEC. 30. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To amend an act entitled "An act to amend an act entitled 'an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," passed April 11, 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-seven, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty-five, forty-seven, and fifty-seven of the above recited act, be so amended as to read as follows:

Section 11. That the organized militia of this state shall be composed of such companies of the national guard as were organized under the militia act of April 18, 1870, and the acts amendatory thereof, and supplementary thereto, and such other companies, troops, and batteries as may be formed under this act: provided, that the whole number of companies of infantry shall not exceed one hundred and fifty, of artillery twelve, and of cavalry six, except as provided in sections forty-nine and fifty of this act. And such organizations hereafter formed, shall be apportioned throughout the state, as nearly as may be, in accordance with the population and requirements of the several counties, and shall be known as the "Ohio National Guard," and may be ordered into active service by the governor, to aid the civil officers to suppress or prevent riots or insurrection, or to repel or prevent invasion, and shall in all cases be first called into service.

Section 12. Companies of infantry shall be organized as follows: One captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and not less than twenty-four nor more than eighty-three privates.

Troops of cavalry shall be organized as follows: One captain, one first lieutenant, one second lieutenant, one first sergeant, five sergeants, eight corporals, two trumpeters, two farriers, two blacksmiths, one saddler, one wagoner, and not less than twenty-four nor more than eighty-one privates.

Batteries shall be organized as follows: For a two-gun

As amended  
May 7, 1877.

What organized militia to be composed of.

Number of companies limited, etc., except.

As amended  
May 7, 1877.

How companies, troops and batteries, battalions and regiments officered, and number of active and contributing members allowed.



How gov-  
erned.

battery, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, two sergeants, four corporals, one hospital steward, one musician, one artificer, one wagoner, and not less than twenty nor more than forty privates.

For a four-gun battery, one captain, one first lieutenant, one second lieutenant, one assistant surgeon (with the rank of captain), one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and not less than forty nor more than eighty privates.

For a six-gun battery, one captain, one senior first lieutenant, one junior first lieutenant, one senior second lieutenant, one junior second lieutenant, one assistant surgeon (with the rank of captain), one first sergeant, one quartermaster sergeant, six sergeants, twelve corporals, two musicians, two artificers, one wagoner, and not less than sixty nor more than one hundred and twenty privates.

In addition to its complement of active members, each company of infantry, and troop of cavalry, may receive and enroll not more than one hundred and fifty; each two-gun battery, not more than seventy-five; each four-gun battery, not more than one hundred and fifty; each six-gun battery, not more than two hundred contributing members, who shall be subject to such contributive dues and service as may be prescribed by the code of regulations, and by the by-laws of the respective organizations: provided, that the whole number of active and contributing members so enrolled, shall not exceed fifteen per cent. of the voting population of any county.

Limit to the  
number al-  
lowed in any  
county.

Each battalion of infantry shall consist of not less than two nor more than five companies.

Each regiment of infantry shall consist of not less than six nor more than ten companies.

Each battalion, of less than four companies, shall be entitled to one major.

Each battalion, of four or more companies, shall be entitled to a major and a colonel.

Each regiment shall be entitled to a major, a lieutenant colonel and a colonel.

The battalion and regimental staff officers shall consist of an adjutant and a quartermaster, each with the rank of first lieutenant; a surgeon, with the rank of major; an assistant surgeon, with the rank of captain, and a chaplain.

The battalion and regimental non-commissioned staff officers, shall consist of a sergeant major, a quartermaster sergeant, a commissary sergeant, a hospital steward, a drum major, and a fife major.

Regimental and battalion bands shall consist of one leader (with the rank of sergeant major), two musicians (with the rank of sergeants), and such additional musicians, not exceeding twenty-five, as, in the judgment of the command-

Number of  
companies  
that battal-  
ions and reg-  
iments shall  
consist of.

Number and  
rank of field  
officers al-  
lowed to bat-  
talions and  
regiments.

Number and  
rank of bat-  
talion and  
regimental  
staff officers.

How regi-  
mental and  
battalion  
bands, offi-  
cers, and  
number of  
men allowed.

ant of the battalion or regiment, the efficiency of the band and the best interests of the service may require.

All such companies, troops, batteries, bands, battalions, and regiments, shall be governed by the military law of the state, the code of regulations, the orders of the governor, and by the regulations, articles of war, customs and usages of the United States army, as near as may be practicable, and in all drills and ceremonies, shall conform to the standard tactics of the United States army.

Section 13. Companies, troops, and batteries, may be organized upon the petition of a number of persons subject to military duty, equal to the minimum required for such organization. Such petition shall be forwarded to the governor, and, upon its receipt, if it appears that such proposed organization is composed of proper material, and its location suitable, and that the organization can be made efficient, the petition shall be referred to an officer designated by the governor for that purpose, who shall direct that the petitioners be assembled at a convenient time, and shall then inspect and receive into the service of the state, for the term of five years, unless sooner discharged, such of the petitioners and other persons, not less than the minimum number required, as in his judgment are proper persons to enter the service. He shall then lead the persons so received, to elect, by ballot, the commissioned officers allowed by law, and shall transmit to the governor a certificate of such election, together with a muster-roll of the organization, duly signed by the persons so received into the service, and such persons shall be considered duly enlisted: provided, that if any independent military company, fully armed and equipped, the organization of which has been continuous for at least twenty years last past, shall agree to be subject to all calls of the governor for troops, in case of war, insurrection, riots, or invasion, and at least forty of the active members thereof shall have signed an agreement to that effect, and filed the same with the governor, the active and contributing members thereof, not exceeding the number allowed by section twelve, shall be entitled to all privileges and exemptions allowed to members of the national guard; and the active members thereof, who have signed such agreement, for neglecting or refusing to respond to any such call of the governor, shall be subject to the same fines and penalties as members of the national guard for like offenses; and provided, further, that all members who enlisted in any such organization after the filing of the original agreement, shall sign a like agreement, which shall also be filed with the governor; and that such companies shall be kept up to at least a minimum of forty active members.

The commanding officer of each battalion or regiment may, in his discretion, enlist and organize a band of musicians, upon the basis prescribed in section twelve.

Section 14. After the organization of a company, troop, or

How organizations shall be governed.

As amended May 7, 1877.

How new companies, troops, and batteries may be organized.

As amended  
May 7, 1877.

Enlistment  
of recruits.

As amended  
May 7, 1877.

Governor to  
convene  
board to pre-  
pare code of  
regulations.

Power to  
convene  
other boards.

The governor  
to appoint  
board of ex-  
aminers.

Time given  
newly elect-  
ed officers for  
preparation.

Powers of  
presidents of  
boards.

Pay and al-  
lowances.

As amended  
May 7, 1877.

Batteries and  
regiments to  
be numbered  
and compa-  
nies lettered.

battery, or band, recruits may be enlisted into the same, and shall sign their names to an enlistment roll, to be furnished by the adjutant-general for that purpose, and such signing shall be a legal enlistment.

Section 15. The governor shall prescribe for the national guard such regulations not inconsistent with this act as will increase the discipline and efficiency of the same. He shall, as soon as practicable after the passage of this act, convene a board of not less than three nor more than five officers, who shall prepare and submit for his approval, a code of regulations for the government and regulation of the national guard, which code, upon its approval by the governor, shall be printed and distributed to the various organizations, and shall take the place of and annul all company, troop, battery, battalion, and regimental constitutions and by-laws, except such as may be allowed by said code.

The governor shall have power at such other times as, in his judgment, it be necessary to convene like boards for the review and amendment of said code of regulations, and the consideration of other military questions and subjects in interest of the service.

The governor shall, from time to time, appoint boards of examiners, consisting of not less than three nor more than five competent officers, whose duty it shall be to examine as to the capacity, qualifications, propriety of conduct and fitness of all officers holding commissions in the national guard.

A full report shall be made to the governor by such examining boards, giving the result of the examination of each officer so examined, and such recommendations as shall by them seem proper and just. Such examinations shall be governed by and conducted according to such rules as the governor may prescribe, not inconsistent with law: provided, that at least three months' time from the date of commission shall be given newly elected officers for preparation, and that such examinations shall be held at such times and places as shall best accommodate the officers to be examined. The senior officer of any such board shall preside, and the junior officer act as recorder.

The president shall have power to appoint a provost marshal for the board, and shall have the same power to compel the attendance of witnesses as is given to presidents of courts-martial by section forty-seven. The members of all such boards, the provost marshals, and the witnesses, shall be entitled to the same pay and allowances, and be paid in the manner prescribed in section forty-seven.

Section 16. When companies of infantry exist in sufficient numbers, the governor may organize them into battalions and regiments, which shall be officered as provided in section twelve.

Such battalions and regiments shall be numbered, and the companies composing them lettered, by the adjutant gen-

eral. Troops of cavalry and batteries of artillery shall be numbered, and two or more batteries may be consolidated by the governor, at his discretion, so as to form a four-gun or six-gun battery, with the strength and upon the basis prescribed in section twelve. A record of such numbering and lettering shall be kept in the office of the adjutant general.

Section 17. The governor shall appoint the following staff officers, with the rank of brigadier general: One adjutant general, who shall also be inspector general and chief of staff; one quartermaster general, who shall also be commissary general of subsistence; one surgeon general, and one judge advocate general; and the following staff officers, with the rank of colonel: One assistant adjutant general, one chief of engineers, and such number of aids-de-camp, not exceeding ten, as in his judgment the best interests of the service may require. The adjutant general shall have an office in the capitol, and shall receive for his services a salary of two thousand dollars per annum.

The assistant adjutant general shall serve in the office of the adjutant general, and shall have authority to sign, officially, any copy, transcript, or other document pertaining to the records or duties of the office of the adjutant general, and for his services shall receive a salary of fifteen hundred dollars per annum. In time of peace, and when not otherwise ordered by the governor, the adjutant general shall also perform the duties of quartermaster general.

Section 18. Whenever, in case of war, insurrection, invasion, or other cause, it becomes necessary or expedient, the governor may order the quartermaster general upon duty, and direct that he shall receive from the adjutant general and take charge of all ordnance, ordnance stores, camp and garrison equipage, subsistence and supplies belonging to the state, and shall so remain on duty until relieved by the governor, whereupon he shall transfer all stores on hand to the adjutant general.

The quartermaster general shall receive for his services a salary at the rate of two thousand dollars per annum while actually employed. Whenever, under like circumstances, it becomes necessary or expedient, the governor may also organize a subsistence or commissary department, and may appoint such number of assistant commissaries, with the rank of captain, as may be necessary, who shall act under the orders of the quartermaster general, and shall receive for their services a salary not exceeding one hundred dollars per month, for the time actually in service, and whose commissions shall be canceled when their services are no longer required.

Section 19. Whenever, in case of war, insurrection, invasion, or from other cause, it becomes necessary or expedient, the governor may order the surgeon general on duty, and direct that he shall take charge of the medical department of the military organization of the state, and he shall, for

Troops of cavalry and batteries to be numbered. Consolidation of batteries.

As amended May 7, 1877. Governor to appoint staff officers.

Assistant adjutant general, duties and compensation. Adjutant general to perform duties of quartermaster general.

As amended May 7, 1877. Quartermaster's department. Duties and compensation of quartermaster general.

Subsistence or commissary department.

As amended May 7, 1877. Medical department. Surgeon general.

his services, receive a salary at the rate of two thousand dollars per annum for the time actually employed: provided, that any pay or emoluments received by any staff officer from the United States government, during the time actually employed in the service of the state, shall be deducted from the salaries aforesaid.

Bureau of  
military justice,  
how  
organized.

Whenever, in his judgment, the best interests of the service may require it, the governor may organize a bureau of military justice, and detail such officers to act as judge advocates, under directions of the judge advocate general, and assign to them such duties as a proper administration of the affairs of such bureau may require.

Officers to  
make annual  
reports.

The adjutant general, quartermaster general, surveyor [surgeon] general, chief of engineers, and judge advocate general, shall make to the governor annual reports of the transactions of their respective departments, up to and including the fifteenth day of November.

As amended  
May 7, 1877.  
Field officers,  
how elected.

Section 21. Field officers of regiments and battalions, shall be elected by ballot by the officers and enlisted men of their respective regiments or battalions, to serve for the term of five years, unless sooner discharged.

As amended  
May 7, 1877.

Line officers  
how elected.

Section 22. Line officers shall be elected by ballot by the officers and enlisted men of their respective companies, troops or batteries. All elections of officers held under this act, shall be governed by such regulations, not inconsistent with law, as the governor may prescribe; and in all cases, a majority of all the votes cast at an election shall be necessary to a choice.

As amended  
May 7, 1877.

Staff officers  
of battalions  
or regiments,  
and officers  
of the band.

Section 23. Commissioned and non-commissioned staff officers, and the leader and sergeants of the band of each battalion or regiment, shall be appointed by the commanding officer thereof; non-commissioned officers of each company, troop or battery, shall be appointed by the commandant thereof. All non-commissioned officers shall be furnished with a warrant of authority, signed by the commandant of the company, troop or battery, and by the commandant and adjutant of the battalion or regiment to which the company is attached.

Certificate  
from colleges  
of military  
instruction  
given.

Whenever military instruction is given at any college in this state, by an officer of the United States army detailed for that purpose, every student who has received such instruction, shall, upon his quitting such college honorably, be furnished by such officer with a certificate, showing that such instruction has been given, and the degree of efficiency attained by said student.

As amended  
May 7, 1877.

Resignation  
and dismissal  
of officers.

Section 25. No officer shall be considered out of service upon tender of his resignation, until it shall be accepted by the governor.

Commanding officers of regiments, battalions, companies, troops and batteries, shall receive the resignations of such officers of their respective commands as may resign, and shall transmit such resignation to the adjutant general, with

indorsement of approval or disapproval, and a statement of facts; and the governor is hereby authorized and empowered to discharge from the service, any incompetent and unsuitable officer, upon the report of a board of examiners finding such facts as to warrant such discharge; and, in like manner, to discharge any officer who neglects or refuses to perform his duties as required by law and regulations, or neglects or refuses to obey such lawful orders as may be given him by his superior officer.

Whenever any company or battery shall become reduced below one-half of the minimum strength, or from general insubordination, contention, or from other causes, it may become demoralized and inefficient, and its disbandment be necessary for the good of the service, the governor may disband the same, and order the officers thereof to be mustered out of the service: provided, however, that no individual member of any troop, company, or battery, shall be dishonorably discharged, except upon due trial and conviction by court martial, or in some other lawful manner.

Section 27. The governor shall provide for the election of officers to fill all vacancies.

Section 30. In addition to the troop, company, and battery drills, of which there shall be at least one every month, there shall be at least one battalion drill of each battalion or regiment in each year, at such times and place as may be most convenient, and two public inspections of each troop, company, and battery in each year—one in and including its armory, and one during the encampment, or at some other suitable time—such inspection to be made by the adjutant general, or some officer acting under his authority, and a full report of each inspection shall be made and filed in the office of the adjutant general. There shall also be an encampment of each troop, unattached company, battery, battalion, and regiment, at least once in each year, to last not less than four nor more than six days, to be held between the first day of May and the first day of November.

Battalion and regimental encampments shall be held at such times and places as the commanding officer may direct, at least two weeks' notice thereof being given to each company commandant. A notice of time and place of holding all encampments, shall be sent to the adjutant general by the respective commanding officers. During such encampment the usual camp routine shall be observed, as near as practicable, and the officers and men governed by the regulations, customs, and usages of the United States army. The commanding officer of every such encampment, may fix certain bounds to his encampment, not including any public road, within which no spectator shall enter without leave; and whoever shall intrude within such limits, after being forbidden, or whoever, after entering by permission, shall conduct himself or herself in a disorderly manner, or whoever resists a sentry or guard, acting under orders to prevent

Governor  
may disband  
company or  
battery.

As amended  
May 7, 1877.

As amended  
May 7, 1877.

Drills and  
encamp-  
ments.

Inspections  
and report of.

Command-  
ing officers  
may fix lim-  
its of en-  
campment.

Penalty for  
resisting sen-  
try or guard.

Intoxicating  
liquors pro-  
hibited.

Penalty for  
so offending.

As amended  
May 7, 1877.  
Courts of dis-  
cipline—how  
organized.

Three days'  
notice to be  
given ac-  
cused.

such entry, or to prevent disorderly conduct, may be arrested by the commanding officer, or by his order, and taken before a justice of the peace of the proper township, and, upon conviction, shall be fined not less than ten nor more than fifty dollars, and costs of prosecution, and shall stand committed until such fine and costs are paid.

No person shall sell, or expose for sale, give, barter, or otherwise dispose of, in any way, or at any place, any spirituous or other liquors whatever, at or within a distance of two miles from any such encampment.

Any person so offending may be arrested by the commanding officer, or by his order, and taken before a justice of the peace of the proper township, and, upon conviction, shall be fined in any sum not less than twenty nor more than one hundred dollars, and costs of prosecution, and shall stand committed until such fine and costs are paid: provided, that any such commitment shall not exceed twenty days, and that the judgment for costs shall not be abated until such costs shall have been fully paid: and, provided further, that nothing in this act shall effect tavern keepers exercising their calling, nor distillers, manufacturers, or others, in prosecuting their regular trades at their places of business.

Section 31. There shall be appointed by the commandant of each company, troop, and battery, immediately after its organization, a court of discipline, composed of one commissioned officer, one sergeant, one corporal, and two privates, whose term shall expire on the fifteenth day of November next thereafter; and such appointment shall be made annually thereafter; and the members of such courts, before acting as such, shall be sworn to a faithful discharge of duty. Vacancies in such courts may be filled by the commandant for the unexpired term. Whenever there has been a violation by an enlisted man of the militia law, the general code of regulations, or authorized by-laws of any company, troop, or battery, upon notice of that fact, the commandant shall convene the court, not less than three of whom shall constitute a quorum. The court shall have jurisdiction to hear and punish, by assessing fines or recommending discharges for the good of the service, for all offenses not otherwise provided for by law.

The commissioned officer or senior non-commissioned officers, shall preside, and a recorder shall be selected from the enlisted men of the court.

The persons to be tried shall be given three days' notice of the time and place of trial, by a written or printed notice delivered to each in person, or left at their several places of abode; and members so notified shall appear and present their excuses, and show cause, if any, why they should not be fined or recommended for discharge, and the court shall determine the validity of such excuse. Every person who shall fail to appear, as aforesaid, shall be deemed to have waived any other or further trial. The recorder shall keep

a record of the proceedings of the court, and of the evidence adduced in each case, separately, and shall duly attest and file the same, and a list of persons tried, and the findings and sentences, with the commandant, who shall thereupon transmit the same to the officer designated by the governor to review such proceedings. The reviewing officer shall review such proceedings without delay, and return all the papers thereto to the commandant.

Section 32. When any person is recommended by such court to be discharged for the good of the service, and such recommendation is approved by the reviewing officer, the commandant shall prepare and transmit to the adjutant-general, a proper discharge for approval. When fines are assessed, as aforesaid, and not paid to the treasurer of the company, troop, or battery, within ten days after the sentence is approved by the reviewing officer and returned to the commandant, such list of fines and delinquents shall be placed in the hands of a justice of the peace, within the township in which the delinquent resides, who shall thereupon render judgment against each of such delinquents, together with costs of suit, without issuing further process, and shall further issue execution, without right of stay or exemption, directed to any constable of such towns ip, for the prompt collection of the same, as upon other judgments at law, and the money so collected, shall be paid by said justice of the peace, after deducting costs, to the treasurer of the organization, and the same shall constitute a company, troop, or battery fund, to be used as such organization may direct.

As amended  
May 7, 1877.

How fines  
are collected.

All dues levied by the by-laws of any organization, may be collected by civil suit, without right of stay of exemption; and all suits for the collection of fines or dues, shall be brought in the name of the state of Ohio, for the use of company, troop, or battery: provided, that in no case shall the state pay any costs of such suits.

Section 33. That for fines assessed or dues levied against minors, fathers shall be liable jointly and severally with their sons; guardians with their wards for the amount of their wards' funds in their hands, and masters with their apprentices; and all property held in common by any society, whose rules or tenets require a community of property, shall be liable and bound for all fines assessed, or dues levied, under the provisions of this act, against any member or members of such society or organization: provided, that consent of fathers for their sons, guardians for their wards, and masters for their apprentices, to enlist shall have been obtained.

As amended  
May 7, 1877.

Liabilities of  
fathers and  
others for  
fines.

Section 34. Each company of infantry, and troop of cavalry, shall be entitled to receive, annually, the sum of one hundred dollars, and each battery to receive, annually, the sum of fifty dollars for every two guns, for care of arms, and other incidental expenses, to be paid to the treasurer of the company, troop, or battery, out of the general revenue fund

As amended  
May 7, 1877.

Company  
fund.



Reports to be made to adjutant-general.

Armory and drill-room to be furnished.

As amended May 7, 1877.

Compensation, subsistence, and transportation, and use of animals when called into service.

of the state, on his application, approved by the commandment thereof, and by the governor, which approval shall not be given by the governor, until all reports and returns required by section twenty-eight, shall have been received by the adjutant-general: provided, that when the amount appropriated shall not be sufficient for the full allowance to each organization, as aforesaid, they shall draw pro rata, the apportionment to be made by the adjutant-general. That each and every city, incorporated village, or township, in which any such organization now exists, or may hereafter be duly organized, shall furnish the same with a suitable armory and drill-room, to the acceptance of an officer designated by the governor to inspect such armory, and shall also provide for paying the necessary expenses thereof: provided, such city, incorporated village, or township, shall each contribute to the payment of such armory expenses in such proportion as each may have resident members in such organization, when not composed exclusively of members from one such place.

Section 35. That when serving under the order of the governor, sheriff, mayor, or judge, to prevent or suppress riots or insurrections, or to repel or prevent invasion, each field officer or surgeon shall receive two dollars and fifty cents per day or night, or five dollars per day and night; each line officer, or staff officer, ranking not higher than captain, two dollars per day or night, or four dollars per day and night; each enlisted man, one dollar per day or night, or two dollars per day and night, for a period not exceeding seven days and nights; and after that period, they shall receive compensation at one-half the rate aforesaid, to be paid out of the treasury of the state, on proper vouchers being furnished by the commandant of the company, troop, or battery, or by the commandant of a regiment or battalion, for the field, staff and non-commissioned staff, and band thereof, approved by the governor, and they shall also be furnished with all necessary transportation subsistence and medical attendance, supplies, and quarters; and a fair and reasonable allowance shall also be made for all animals necessarily used: provided, that all commissioned officers shall furnish their own subsistence.

For any day any battery of artillery, or troop of cavalry, shall actually be on parade, or in camp, not exceeding, in all, seven days in each year, as provided in this act, there shall be allowed not exceeding one dollar for each horse actually used to draw the guns and caissons of the batteries (not exceeding forty horses to a troop of cavalry), sixteen horses for a two-gun battery, thirty-two horses for a four-gun battery, and forty-eight horses for a six-gun battery. All payments for transportation, subsistence and use of horses, under this section, shall be made from the state treasury, upon vouchers duly certified by the commanding officer, and approved by the governor. For each twenty-four hours'

duty during encampments, each officer and enlisted man shall receive one dollar, to be paid as provided in this section for other services.

Section 37. The fatigue and dress uniforms of the officers and enlisted men shall correspond with and conform to the uniform prescribed for the United States army, except the coat of arms, which shall be that of the state.

As amended  
May 7, 1877.

Each enlisted man shall furnish himself with a fatigue uniform of the prescribed pattern, at a cost of not less than eight dollars, which amount shall be refunded to him out of the state treasury, upon proper vouchers being furnished, approved by the commandant of the company, troop or battery, and by the governor. Such uniform shall be worn only when upon duty, and shall be turned over to the commandant when the member severs his connection with the organization: provided, that only one suit in five years shall be allowed to each member; provided further, that companies now having dress uniforms, shall be allowed until the first day of January, 1879, to conform thereto.

Uniforms,  
organiza-  
tions now  
having to  
change by  
1879.

Section 38. All public arms, ammunition, accoutrements, camp and garrison equipage, and military stores belonging to the state, shall be subjected to the control of the adjutant general, in accordance with the order of the governor. The adjutant general shall purchase and keep ready for use, or issue to the troops, as the best interests of the service may require, such amount and kinds of camp and garrison equipage as may be necessary, to be paid for out of the general revenue fund of the state; and he shall see that all arms, munitions of war, camp and garrison equipage, and like stores now belonging to the state or hereafter acquired, are properly cared for and kept in good order for use. All accounts accruing against the state under the provisions of this section, shall be paid out of the state treasury on the certificate of the adjutant general, countersigned by the governor: provided, that when the quartermaster general is ordered on duty by the governor, he shall, during such time as he may be on duty, perform the duties assigned to the adjutant general by this section, and accounts shall be paid as aforesaid on his certificate, countersigned by the governor. Whenever any part of the national guard is ordered on duty, the governor shall designate an officer to make, on the part of the state, the necessary contract for transportation, quarters, subsistence, and other supplies.

As amended  
May 7, 1877.

Arms and  
camp and  
garrison  
equipage,  
duties of ad-  
jutant gen-  
eral in regard  
thereto.

Section 39. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, ordnance stores, camp and garrison equipage, or munitions of war belonging to the state of Ohio, or who shall willfully injure any of the same, or any arsenal or armory belonging to or rented by the state, or owned or rented by or furnished to any company, battalion, troop, regiment or battery organized under the laws of this

As amended  
May 7, 1877.

Penalty for  
selling, de-  
taining, or  
injuring  
arms or  
equipments.

state, or any person who shall be found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any property belonging to any such organization, or willfully injuring the same, or secreting, detaining, or refusing to give up any money or other valuables belonging to the same, shall, on conviction thereof, be fined in any sum not less than twenty nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not less than ten days nor more than three months, or both, at the discretion of the court, and shall pay the costs of prosecution, and stand committed until such fine and costs are paid: provided, that such commitment shall not be for a longer period than ten days in addition to the sentence of imprisonment; and that the judgment for costs shall not be abated until such costs shall have been fully paid. Justices of the peace, judges of police courts, and courts of common pleas, shall have jurisdiction to try all cases arising under this section. Any and all persons elected or appointed to have custody of any funds belonging to any such organization, shall, before receiving into his hands any such funds, give a bond, with at least two good and sufficient sureties, to be approved by a justice of the peace of the proper township, which bond shall be for at least twice the largest amount of such funds likely to be on hand at any one time, and shall be conditioned upon a faithful and honest discharge of duty, and the careful keeping and disbursement of such funds according to the by-laws of such organization, and such bond shall never be for a sum less than one hundred dollars, and in all cases shall be taken to the state of Ohio, for the use of the organization to which the funds belong.

Bond for care  
of money,  
number of  
sureties.  
Condition of  
bond.

Taken to the  
state for the  
use of the  
organization.

As amended  
May 7, 1877.

When troops  
called out for  
duty, person-  
al or written  
notice to be  
given to each  
member.

As amended  
May 7, 1877.

Courts-mar-  
tial.

Compensa-  
tion to mem-  
bers of.

Section 45. Whenever the commanding officer of any company, troop, or battery, shall order out his command for such duty, he may order one or more non-commissioned officers or privates to notify the men enrolled in such organization to appear at the time and place appointed; and each non-commissioned officer and private shall give notice of the time and place appointed for the meeting of said organization, to each man personally, or by leaving at his usual place of abode a written or printed order, signed by such non-commissioned officer or private, which notice shall be a sufficient warning.

Section 47. The governor may order courts-martial for the trial of any officer or soldier of the militia on proper charges and specifications, the proceedings of which shall be as near as may be as provided in the rules and regulations, articles of war, and practice for the government of the armies of the United States. The governor, on ordering a court-martial, shall detail a judge-advocate and provost-marshal for the same; and the members of said court and judge-advocate shall be entitled to receive two dollars each for each day's attendance at said trial, and in traveling to and from court; and the provost-marshal shall receive the

same compensation as is allowed to sheriffs for similar services; and witnesses shall receive fifty cents for each day's attendance, and five cents per mile for traveling to and from court; the same to be paid out of the state treasury on the order of the president of the court, approved by the adjutant general. The president of the court may issue subpoenas to compel the attendance of witnesses, and enforce their attendance, if necessary, by attachment. All fines which may be levied by such courts-martial, shall be assessed and collected in the same manner as is provided in sections thirty-one and thirty-two in regard to fines imposed by courts of discipline. Regimental and battalion courts-martial may be convened by order of the commandant, approved by the governor, under such regulations as the governor may prescribe. The proceedings, findings, and sentences of all courts-martial, shall, unless otherwise ordered by the governor, be reviewed by the judge-advocate general.

Witnesses—  
their fees,  
etc.

Fines—how  
collected.

Section 57. The governor shall, from time to time, cause such number of copies of this act as may be necessary, to be printed, and the same shall be distributed to the force by the adjutant general.

As amended  
May 7, 1877.  
Copies of this  
act to be dis-  
tributed.

SEC. 2. That sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-seven, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty-five, forty-seven, and fifty-seven of the above mentioned act and the act entitled "an act to provide for the appointment of an assistant adjutant general," passed April 4th, A.D. 1866, be and the same are hereby repealed: provided, that all fines, dues assessed, or for which any person may be liable under said sections, may be collected thereunder, or under the provisions of this act; and no suit, process, or proceeding, pending to enforce and collect the same, shall abate, but proceed to final determination, and all contracts made thereunder carried out, and all rights and privileges acquired under said act or sections, shall be held good and binding, the same as if said act and sections continued in force.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

# PART FOURTH.

## PENAL.

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TITLE I. CRIMES AND OFFENSES.

TITLE II. CRIMINAL PROCEDURE.

TITLE III. JAILS AND THE PENITENTIARY.

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## AN ACT

To amend, revise and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named; to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio.

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*Be it enacted by the General Assembly of the State of Ohio :*

## TITLE I. CRIMES AND OFFENSES.

- CHAPTER 1. GENERAL PROVISIONS.
- CHAPTER 2. OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.
- CHAPTER 3. OFFENSES AGAINST THE PERSON.
- CHAPTER 4. OFFENSES AGAINST PROPERTY.
- CHAPTER 5. OFFENSES AGAINST PUBLIC PEACE.
- CHAPTER 6. OFFENSES AGAINST PUBLIC JUSTICE.
- CHAPTER 7. OFFENSES AGAINST PUBLIC HEALTH.
- CHAPTER 8. OFFENSES AGAINST PUBLIC POLICY.
- CHAPTER 9. OFFENSES AGAINST CHASTITY AND MORALITY.
- CHAPTER 10. OFFENSES AGAINST THE RIGHT OF SUFFRAGE.
- CHAPTER 11. FRAUDS, FORGERY, AND COUNTERFEITING.
- CHAPTER 12. ACTS REPEALED.

## CHAPTER 1.

## GENERAL PROVISIONS.

## SECTION

1. Meaning of certain terms and words in Part Fourth.
2. What are felonies, and what are misdemeanors.
3. Value of written instruments.
4. For what crimes convict disfranchised unless pardoned.
5. Convicts of other states disfranchised.
6. Sentence, judgment, and execution against penitentiary convicts.

## SECTION

7. Courts may sentence to hard labor in county jail.
8. Jail limits, and avails of convict labor.
9. All fines to be paid into county treasury.
10. Civil recovery not barred; record of conviction not evidence.
11. Aiders and abettors.
12. Limitation of prosecutions for certain offenses.

SECTION 1. In the interpretation of Part Fourth the term "any thing of value" includes money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority, and intended to pass and circulate as money; goods and chattels; any promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money; any receipt given for the payment of money or other property; any right in action [S. & S. 263, § 7; 66 v. 341, § 1; 66 v. 29, § 1]; things which savor of the realty, and are, at the time they are taken, a part of the freehold, whether they be of the substance or produce thereof, or affixed thereto, although there be no interval between the severing and the taking away [69 v. 67, § 1]; and every other thing of any value whatever [68 v. 87, § 1]; the words "person" and "another," when used to designate the owner of any property the subject of any offense, include not only natural persons, but every other owner of property; the word "writing" includes printing; the word "oath" includes an affirmation; the word "bond" includes an undertaking; words in the present include the future tense, and in the masculine include the feminine and neuter genders, and in the singular include the plural, and in the plural include the singular number [66 v. 324, §§ 227-8-9]; "and" may be read "or," and "or" read "and," if the sense requires it; and the word "imprisoned," when the context does not otherwise require, shall be construed to mean imprisoned in the county jail.

SEC. 2. Offenses which may be punished by death, or by imprisonment in the penitentiary, are felonies; all other offenses are misdemeanors. [66 v. 324, § 230.]

SEC. 3. When any evidence of debt, or written instrument, is the subject of a criminal act, the amount of money due thereon, or secured thereby, or the amount of money or the value of property affected thereby, shall be deemed the value thereof.

SEC. 4. A person sentenced to be punished for felony

Meaning of certain words and terms in Part Fourth.

What are felonies, and what are misdemeanors.

Value of written instruments.

**For what crimes convict disfranchised unless pardoned.**

(when sentence has not been reversed or annulled), is incompetent to be an elector or juror, or to hold any office of honor, trust, or profit within this state, unless he shall have received a pardon, when he shall be restored to all his civil rights and privileges; but no pardon shall release a convict from the costs of his conviction, unless so stated therein. [S. & C. 417, § 41.]

**Convict of other state disfranchised.**

SEC. 5. A person who has been actually imprisoned in the penitentiary of any other state of the United States, under sentence for the commission of any crime punishable by the laws of this state by imprisonment in the penitentiary, is incompetent to be an elector or juror, or to hold any office of honor, trust, or profit, within this state, unless he shall have received a general pardon from the governor of the state in which he may have been imprisoned, agreeably to the laws thereof. [S. & C. 418, § 45.]

**The sentence, judgment, and execution against penitentiary convicts.**

SEC. 6. When any person is sentenced to imprisonment in the penitentiary, the court shall declare in its sentence for what period he shall be kept at hard labor, and for what period, if any, he shall be kept in solitary confinement without labor; and in all cases of conviction of an offense the court shall render judgment against the defendant for the costs of prosecution. [S. & C. 416, § 38.]

**Courts may sentence to hard labor in county jail.**

SEC. 7. In lieu of imprisonment in the county jail, the court may, upon the recommendation of the prosecuting attorney, sentence a convict to hard labor in the jail of the county for any length of time not exceeding six months, and not exceeding the length of time for which he might be imprisoned [S. & C. 424, § 75]; and a person committed to jail for non-payment of fines or costs, may be required to labor therein not exceeding six months, and until the value of his labor, at the rate of one dollar and fifty cents a day, equals the amount of fines and costs, or the amount shall be otherwise paid, or secured to be paid, when he shall be discharged [71 v. 33, § 1]; but this section does not affect the chapter of this statute relating to work-houses. [66 v. 195, §§ 271-282; 73 v. 211, § 1; 67 v. 75, § 271.]

**Jail may extend throughout the county.**

SEC. 8. Persons committed to jail by a court or magistrate for non-payment of fines or costs, or convicts sentenced to hard labor in the jail of the county, which for this purpose extends throughout the county, shall perform labor under the direction of the commissioners of the county, who may adopt such orders, rules, and regulations, in relation thereto, as they may deem best, and the sheriff or other officer having the custody of such persons or convicts shall be governed thereby; and the sheriff of the county shall collect, and pay into the treasury, the avails of the labor of such convicts, and take the treasurer's duplicate receipts therefor, and forthwith deposit one of the same with the county auditor. [S. & C. 424, §§ 76-7; 72 v. 165, § 2.]

**Avails of labor to be paid into treasury.**

SEC. 9. An officer who collects any fine shall, unless otherwise required by law, within twenty days after the receipt

thereof, pay the same into the treasury of the county in which such fine was assessed, to the credit of the county general fund, and shall take the treasurer's duplicate receipts therefor, and forthwith deposit one of the same with the county auditor. [35 v. 87, § 28; S. & C. 814.]

SEC. 10. Nothing in Part Fourth contained shall be construed to prevent a party injured in person or property, by any criminal act, from recovering full damages; but no record of a conviction, unless the same was obtained by confession in open court, shall be used as evidence in an action brought for such purpose.

SEC. 11. Whoever aids, abets, or procures another to commit any offense, may be prosecuted and punished as if he were the principal offender. [S. & S. 266, § 14; S. & C. 421, § 66; S. & C. 422, § 68; S. & S. 281, § 281; S. & C. 407, § 16; 73 v. 207; S. & C. 435, § 141; 71 v. 115; 73 v. 19; 73 v. 59; 66 v. 123; S. & S. 269, §§ 25-6; S. & S. 273, § 34; S. & C. 449; §§ 192-4; S. & C. 422, §§ 70-1; S. & C. 406, § 12; S. & S. 267; § 19; S. & C. 457a, § 240; 71 v. 114, § 9; 72 v. 15, § 3; 73 v. 249, § 1; 73 v. 116, § 675; 73 v. 207, § 2; 73 v. 158, § 1; 73 v. 129, §§ 1, 2, 4; S. & S. 266, § 12; S. & S. 271, § 1; S. & C. 75, §§ 42, 43; S. & C. 420, § 4; S. & C. 412, § 25; S. & C. 405, § 10; S. & C. 457, § (235); 68 v. 9, § 1; 70 v. 155, § 1; S. & C. 437, § 1; S. & C. 544, § 9; 67 v. 57, § 1; 73 v. 249, § 1; 73 v. 116, § 1; 54 v. 127, §§ 1, 2; S. & C. 750; 66 v. 71, § 2.]

SEC. 12. No person shall be indicted, or criminally prosecuted, for any offense, felonies excepted, the prosecution of which is not specially limited by law, unless such indictment be found, or such prosecution commenced, within three years from the time such offense was committed. [S. & C. 424, § 74.]

All fines to be paid into the county treasury within twenty days after collection. Civil recovery not barred: but record of conviction not evidence.

Aiders and abettors.

Limitation of prosecutions for certain offenses.

## CHAPTER 2.

### OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

#### SECTION

##### 1. Treason.

#### SECTION

##### 2. Misprision of treason.

SECTION 1. Whoever levies war against this state, or the United States, or knowingly adheres to the enemies of either, giving them aid and comfort, is guilty of treason against the state of Ohio, and shall be imprisoned in the penitentiary during life. [58 v. 110, § 1; S. & S. 261.]

Treason.

SEC. 2. Whoever, having knowledge that any person has committed treason, or is about to commit treason, willfully omits or refuses to give information thereof to the governor, or some judge of the state, or to the president of the United States, is guilty of misprision of treason, and shall be imprisoned in the penitentiary not more than twenty nor less than ten years. [58 v. 110, § 2; S. & S. 261.]

Misprision of treason.



## CHAPTER 3.

## CRIMES AGAINST THE PERSON.

## SECTION

1. Murder, first degree.
2. Murder by obstructing or injuring railroad.
3. Murder, second degree.
4. Manslaughter.
5. Administering poison.
6. Administering medicine when intoxicated.
7. Administering secret medicines.
8. Attempting to procure abortion.
9. Rape.
10. Punishment for rape.
11. Robbery.
12. Maiming or disfiguring another.
13. Shooting, cutting, or stabbing, with intent to kill.

## SECTION

14. Assault with intent to kill, or commit rape or robbery.
15. Pointing fire-arms at, and discharging same, and injuring thereby.
16. Assault and battery, and menacing threats.
17. Kidnapping.
18. Child-stealing.
19. Abducting girls from Girls' Industrial Home.
20. Enticing girls to escape from Girls' Industrial Home.
21. Libel.
22. Blackmailing.

Murder, first degree.

SECTION 1. Whoever purposely, and either of deliberate and premeditated malice, or by means of poison, or in perpetrating, or attempting to perpetrate, any rape, arson, robbery, or burglary, kills another, is guilty of murder in the first degree, and shall suffer death. [33 v. 33, § 1; S. & C. 401.]

Murder by obstructing or injuring a railroad.

SEC. 2. Whoever maliciously places an obstruction upon a railroad, or displaces or injures any thing appertaining thereto, with intent to endanger the passage of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the first degree, and shall be punished accordingly. [60 v. 17, § 1; S. & S. 268.]

Murder, second degree.

SEC. 3. Whoever purposely and maliciously, except as provided in the last two sections, kills another, is guilty of murder in the second degree, and shall be imprisoned in the penitentiary during life. [33 v. 33, § 2; S. & C. 402.]

Manslaughter.

SEC. 4. Whoever unlawfully kills another, except as provided in the last three sections, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [33 v. 33, § 3; S. & C. 403.]

Administering poison.

SEC. 5. Whoever administers poison to a person, with intent to kill or injure such person, or mingles poison with food, drink, or medicine, with intent to kill or injure any human being, or willfully poisons any well, spring, cistern, or reservoir of water, shall be imprisoned in the penitentiary not more than fifteen nor less than two years. [58 v. 65, § 1; S. & S. 266.]

Administering medicine when intoxicated.

SEC. 6. Whoever, while in a state of intoxication, prescribes or administers any poison, drug, or medicine to another, which endangers the life of such other person, shall be fined not exceeding one hundred dollars, and imprisoned not more than twenty days. [32 v. 20, § 3; S. & C. 440.]

**SEC. 7.** Whoever prescribes any drug or medicine to another, the true nature and composition of which he does not, if inquired of, truly make known, but avows the same a secret medicine or composition, and thereby endangers the life of such other person, shall be fined not exceeding one hundred dollars, and imprisoned not more than twenty days. [32 v. 20, § 4; S. & C. 440.]

Administering secret medicine.

**SEC. 8.** Whoever, with intent to procure the miscarriage of any woman, prescribes or administers to her any medicine, drug, or substance whatever, or, with like intent, uses any instrument or means whatever, unless such miscarriage is necessary to preserve her life, or is advised by two physicians to be necessary for that purpose, shall, if the woman either miscarries or dies in consequence thereof, be imprisoned in the penitentiary not more than seven years nor less than one year. [32 v. 30, § 1; S. & C. 440; 64 v. 135, § 2; S. & S. 271.]

Attempting to procure abortion.

Punishment if the woman dies or miscarries.

**SEC. 9.** Whoever has carnal knowledge of a female person forcibly and against her will, or, being seventeen years of age, carnally knows and abuses a female child under ten years of age, with her consent, is guilty of rape. [72 v. 93, §§ 1, 2.]

Rape.

**SEC. 10.** A person convicted of rape upon his daughter, or sister, or a female child under twelve years of age, shall be imprisoned in the penitentiary during life; and a person convicted of rape upon any other female shall be imprisoned in the penitentiary not more than twenty nor less than three years. [72 v. 93, §§ 1, 2.]

Punishment for rape.

**SEC. 11.** Whoever, by force and violence, or by putting in fear, steals and takes from the person of another any thing of value, is guilty of robbery, and shall be imprisoned in the penitentiary not more than fifteen years nor less than one year. [33 v. 33, § 15; S. & C. 406.]

Robbery.

**SEC. 12.** Whoever, with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb, or any member of another person, shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [33 v. 33, § 23; S. & C. 411.]

Maiming or disfiguring another.

**SEC. 13.** Whoever maliciously shoots, stabs, cuts, or shoots at, any other person, with intent to kill, wound, or maim such person, shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [64 v. 43, § 1; S. & S. 265.]

Shooting, cutting, or stabbing with intent to kill, etc.

**SEC. 14.** Whoever assaults another with intent to kill, or to commit rape or robbery upon the person so assaulted, shall be imprisoned in the penitentiary not more than fifteen nor less than two years. [62 v. 77; S. & S. 262.]

Assault with intent to kill, or commit rape or robbery.

**SEC. 15.** Whoever intentionally, and without malice, points or aims any fire-arm at or toward any person, or discharges any fire-arm so pointed or aimed, or maims or injures any person by the discharge of any fire-arm so pointed or

Pointing fire-arms at, and discharging same, and injuring thereby.

Assault and battery and menacing  
rest.

Kidnapping.

Child-stealing.

Abducting girls from Girls' Industrial Home.

Enticing girls to escape from Girls' Industrial Home.

Libel.

Blackmailing.

aimed, shall be fined not more than one hundred dollars, or imprisoned not more than one year or both. This section shall not extend to any case when fire-arms are used in self-defense, or in the discharge of official duty, or in case of justifiable homicide. [72 v. 44, §§ 1, 2, 3, 4.]

SEC. 16. Whoever unlawfully assaults or threatens another, in a menacing manner, or unlawfully strikes or wounds another, shall be fined not more than two hundred dollars, or imprisoned not more than six months. [64 v. 21; S. & S. 276.]

SEC. 17. Whoever kidnaps, or forcibly or fraudulently carries off or decoys out of this state, any person, or arrests or imprisons any person with the intention of having such person carried out of this state, unless it be in pursuance of the laws thereof, shall be imprisoned in the penitentiary not more than seven nor less than three years. [65 v. 87; S. & S. 275.]

SEC. 18. Whoever leads, takes, carries, decoys, or entices away a child under the age of twelve years, with intent unlawfully to detain or conceal such child from its parent, guardian, or other person having the lawful charge or custody thereof; and whoever, with the intent aforesaid, knowingly harbors or conceals any such child so lead, taken, carried, decoyed, or enticed away, shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [73 v. 207, §§ 1, 2.]

SEC. 19. Whoever abducts a girl who is an inmate of the Girls' Industrial Home, shall be imprisoned in the penitentiary not more than five years nor less than one year. [69 v. 189; 73 v. 249, § 1.]

SEC. 20. Whoever persuades, induces, or attempts to entice a girl who is an inmate of the Girls' Industrial Home, to escape therefrom, shall be fined not more than one hundred nor less than twenty dollars. [73 v. 249, § 2.]

SEC. 21. Whoever writes, prints, or publishes, any false or malicious libel [of] or concerning another, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both; but nothing shall be deemed a libel unless there is a publication thereof. [64 v. 69; S. & S. 279.]

SEC. 22. Whoever knowingly sends or delivers any writing, for the purpose of extorting money, or other valuable thing, or containing willful and malicious threats of injury, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both. [26 v. 144, § 23; S. & C. 430.]

## CHAPTER 4.

## OFFENSES AGAINST PROPERTY.

## SECTION

1. Arson.
2. Burning property with intent to prejudice insurer.
3. Burning personal property.
4. Malicious setting fire to woods, prairies, etc.
5. Burglary.
6. Entering house by night or day and attempting to commit felony.
7. Breaking into building in day-time to steal.
8. Breaking open house, etc., and committing, or attempting to commit, personal violence.
9. Committing like offense in the day-time.
10. Entering premises of another to disturb bees, etc., or to carry away bees, honey, poultry, or grain.
11. Embezzlement by servants of private persons or corporations, and by officers, and agents and employees of officers.
12. Embezzlement of negotiable instruments before delivery.
13. Embezzlement by carriers and innkeepers.
14. Embezzlement by warehousemen, forwarding and commission merchants, etc.
15. Embezzlement by municipal officers.
16. Selling public property with intent to defraud.
17. Selling or detaining military property of the state, and of militia organizations.
18. Removing mortgaged personal property out of the county.
19. Altering ear-marks or brands of domestic animals.
20. Killing or injuring domestic animals.
21. Administering poison to domestic animals.

## SECTION

22. The last two sections not to apply to trespassing animals.
23. Taking, using, etc., horse, mule, etc., without leave.
24. Selling diseased animals, allowing same to run at large, or to come in contact with other animals.
25. Larceny.
26. Horse-stealing, and receiving or concealing stolen horse, or concealing horse-thief.
27. Receiving property stolen, etc.
28. Obstructing railroad track.
29. Malicious destruction of property.
30. Malicious destruction of trees and crops.
31. Altering or removing landmarks.
32. Removing township corner posts.
33. Throwing down fences or opening gates.
34. Fast driving, etc. over bridges.
35. Drawing or driving vehicle on railroad track.
36. Injuring water-craft.
37. Putting soap, alkali, etc., into boilers, wells, etc.
38. Injuring certain aids to navigation; mooring boats to same.
39. Injuring and committing nuisances in buildings.
40. Destroying or defacing newspapers, etc., belonging to libraries.
41. Demolishing guide-boards, etc.
42. Trespassing by destroying trees and crops.
43. Trespassing while mining.
44. Defacing or destroying advertisements or notifications set up by authority of law, or by bridge owners.
45. Posting bills, etc., on buildings, etc., without consent of owner.
46. Breaking open ponds, etc.

## ARSON AND OTHER BURNINGS.

SECTION 1. Whoever maliciously burns, or attempts to burn, any dwelling-house, kitchen, smoke-house, shop, office, barn, stable, store-house, warehouse, malt-house, still-house, mill, pottery, or any other building, the property of another person, of the value of fifty dollars, or any church,

Arson.

meeting-house, court-house, work-house, school-house, jail, or the Ohio penitentiary, or any shop, store-house, or building within the inclosed walls thereof, or any other public building, or any ship or other water-craft, of the value of fifty dollars, or any toll-bridge, or any part thereof, erected across any river wholly or partly within this state, or any other bridge of the value of fifty dollars, erected across any of the waters within this state, or sets fire to, or attempts to set fire to, any thing in or near to any such building, water-craft, or bridge, with intent to burn the same, shall be imprisoned in the penitentiary not more than twenty years. [33 v. 33, §§ 12, 13, S. & C. 406; 60 v. 85, §§ 1, 2; S. & S. 267; 66 v. 122, § 1.]

**Burning property with intent to prejudice insurer.**

SEC. 2. Whoever maliciously burns or sets fire to any dwelling-house, kitchen, smoke-house, shop, office, barn, stable, store-house, warehouse, still-house, mill, pottery, or any other building, of the value of fifty dollars, or any goods, wares, merchandise, or other chattels, of the value of fifty dollars, or any ship or other water-craft, the same being his own property, and insured against loss or damage by fire, with intent to prejudice the insurer, shall be imprisoned in the penitentiary not more than twenty years. [57 v. 49, §§ 1, 2; S. & C. 457a.]

**Burning personal property.**

SEC. 3. Whoever maliciously sets fire to, or burns, any barrack or stack of hay, wheat, rye, oats, barley, flax, hemp, fodder, or grain of any kind, or any corn-crib, or place where-in corn is deposited, or any fence, boards, plank, scantling, rails, tan-bark, or timber, the property of another, shall, if the value of the property is thirty-five dollars or more, be imprisoned in the penitentiary not more than three years nor less than one year, or, if the value is less than that sum, be fined not more than one hundred nor less than five dollars, or imprisoned not more than thirty days, or both. [54 v. 162, §§ 1, 2; S. & C. 425.]

**Maliciously setting fire to woods, prairies, etc.**

SEC. 4. Whoever maliciously, or negligently, sets fire to any woods, prairies, or grounds, not his own property, or maliciously permits any fire to pass from his own prairies or grounds, to the injury or destruction of the property of any other person, shall be fined not more than one hundred dollars, or imprisoned not more than twenty days, or both. [72 v. 149, § 1.]

#### BURGLARY AND OTHER BREAKINGS.

**Burglary.**

SEC. 5. Whoever, in the night season, maliciously and forcibly breaks and enters any dwelling-house, kitchen, smoke-house, shop, office, store-house, warehouse, malt-house, still-house, mill, pottery, factory, water-craft, school-house, church or meeting house, barn or stable, or railroad car, car factory, or station-house, with intent to commit a felony, or with intent to steal property of any value, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [69 v. 10, § 14.]

SEC. 6. Whoever maliciously, either in the day-time or night season, enters any dwelling-house, kitchen, shop, store-house, malt-house, still-house, mill, pottery, water-craft, school-house, church or meeting-house, smoke-house, barn or stable, and attempts to commit a felony, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [33 v. 33, § 16; S. & C. 407.]

Entering house by night or day, and attempting to commit felony.

SEC. 7. Whoever maliciously, in the day-time, breaks and enters any dwelling-house, kitchen, shop, store, warehouse, malt-house, still-house, mill, factory, pottery, water-craft, school-house, church or meeting-house, smoke-house, barn, stable, or railroad car, car factory, dépôt, or station-house, with intent to steal, shall be fined not more than three hundred dollars, and imprisoned not more than sixty days. [52 v. 28, § 1; S. & C. 435.]

Breaking into building in day-time to steal.

SEC. 8. Whoever, in the night season, unlawfully breaks open and enters any mansion-house, shop, store, ship, boat, or other water-craft, in which any person resides or dwells, and commits or attempts to commit, any personal violence or abuse, or is so armed with any dangerous weapon as to indicate a violent intention, shall be fined in any sum not more than three hundred dollars, and imprisoned not more than thirty days. [29 v. 144, § 1; S. & C. 426.]

Breaking open house, etc., and committing or attempting to commit, personal violence.

SEC. 9. Whoever, in the day-time, unlawfully breaks open and enters any mansion-house, shop, store, ship, boat, or other water-craft, in which any person resides or dwells, and commits, or attempts to commit, any personal abuse, force, or violence, shall be fined in any sum not more than one hundred dollars, and imprisoned not more than twenty days. [29 v. 144, § 2. S. & C. 426.]

Committing like offenses in the day-time.

SEC. 10. Whoever unlawfully enters the premises of another for the purpose of disturbing or carrying away any box, gum, or vessel containing bees or honey, or injuring or carrying away any poultry, or for carrying away any grain, shall be fined not more than five hundred dollars, or imprisoned not more than sixty days, or both. [69 v. 5, § 1; S. & C. 279.]

Entering premises of another to disturb bees, or carry away poultry, grain, or honey, etc.

#### EMBEZZLEMENTS.

SEC. 11. An officer, agent, clerk, servant, or employé of any person (except apprentices, and persons under the age of eighteen years), who embezzles, or converts to his own use, or fraudulently takes, or makes away with, or secretes with intent to embezzle, or convert to his own use, any thing of value which shall come into his possession by virtue of his employment; and an officer, elected or appointed an office of public trust or profit in this state, and an agent, clerk, servant, or employé of such officer, or of a board of such officers, who embezzles, or converts to his own use, or conceals with such intent, any thing of value that shall come into his possession by virtue of his office or employment is guilty of embezzlement, and shall be punished as for the

Embezzlement by servants of private persons and corporations;

And by officers, and agents and employés of officers.

larceny of the thing embezzled. [55 v. 84, § 20, S. & C. 240; 66 v. 29, § 1; 73 v. 31, § 22; 73 v. 86, § 21.]

Embezzlement of negotiable instruments before delivery.

SEC. 12. Every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed, but not delivered or issued, as a valid instrument, shall be deemed an offense within the meaning of the last section. [37 v. 74, § 2; S. & C. 426.]

Embezzlement by carriers and inn-keepers.

SEC. 13. A person intrusted with any thing of value to be carried for hire, or, being an inn-keeper, and intrusted by his guest with any thing of value for safe-keeping, who embezzles, or fraudulently converts the same to his own use, is guilty of embezzlement, and shall be punished accordingly. [37 v. 74, § 4, S. & C. 426; 59 v. 15, § 2, S. & C. 1425; 72 v. 20, § 8.]

Embezzlement by warehousemen, forwarding and commission merchants, etc.

SEC. 14. A carrier, warehouseman, factor, storage, forwarding or commission merchant, or his clerk, agent, or employè, who, with intent to defraud, sells, or in any way disposes of, or applies or converts to his own use, any bill of lading, custom-house permit, or warehouse-keeper's receipt, intrusted to or possessed by him, or any property intrusted or consigned to him, or the proceeds or profits of any sale of such property, or fails to pay over such proceeds, deducting charges and usual commissions; and a consigner of any property, or his agent, not being the absolute owner thereof, and not having authority to stop, countermand, or change, the consignment thereof, or to sell or incumber the same during transit, who, with intent to defraud, after delivery thereof for transportation on any water-craft or vehicle, in any way stops, countermands, or changes the consignment thereof, or sells, disposes of, or incumbers such property, during transit, or after the delivery thereof, or in any way converts the same to his own use, shall be imprisoned in the penitentiary not more than four years nor less than one year, [42 v. 49, § 7, S. & C. 421; 50 v. 132, § 3, S. & C. 423; 71 v. 66, § 1.]

Embezzlement by municipal officers.

SEC. 15. A member of the council or board of aldermen of any municipal corporation, or an officer, agent, clerk, or servant, of such corporation, or of any board or department thereof, or any officer, agent, clerk, or servant, of any board of education, who, knowingly, diverts, appropriates, or applies, any funds, or a part of any fund, raised under any law, by taxation or otherwise, to any other use or purpose than that for which it was raised or appropriated, or who, knowingly, diverts, appropriates, or applies, any money borrowed, or any bond of the corporation, or any part of the proceeds of such bond, to any other use or purpose than that for which such loan was made, or bond issued, shall be deemed guilty of embezzling the amount so diverted, appropriated, or applied, and punished accordingly. [66 v. 263, § 671; 73 v. 116, § 1.]

Selling public property with intent to defraud.

SEC. 16. Whoever, being intrusted with the care, custody, or control, of any property of the state, or of any county, township, or municipal corporation, sells or disposes of the

same for his own use, with intent to defraud, is guilty of embezzlement, and shall be punished accordingly. [69 v. 193, § 2.]

SEC. 17. Whoever sells, disposes of, hides, secretes, detains, or refuses to give up, any of the arms, accoutrements, ordnance stores, camp or garrison equipage, or munitions of war, belonging to the state of Ohio, or any money or other property belonging to any company, battalion, squadron, regiment, or battery, organized according to law, shall be fined in any sum not more than five hundred dollars, or imprisoned not more than three months, or both. [73 v. 180, § 39.]

SEC. 18. A mortgagor of personal property, in possession of the same, who, without the consent of the owner of the claim secured by mortgage, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes or sells the same, or converts the same to his own use, with intent to defraud, shall be fined not more than five hundred dollars, or imprisoned not more than three months, or both. [69 v. 103, § 1.]

Selling or detaining military property of the state, And of militia organization.

Removing mortgaged personal property out of the county.

#### DOMESTIC ANIMALS.

SEC. 19. Whoever maliciously alters or defaces any artificial ear-mark or brand, upon any horse, mare, foal, filly, jack, mule, ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another, shall be fined not more than fifty dollars, or imprisoned not more than twenty days, or both. [29 v. 144, § 20; S. & C. 430.]

SEC. 20. Whoever maliciously kills or injures any animal mentioned in the last section, the property of another, shall, if the value of the animal killed, or the injury done is thirty-five dollars or more, be imprisoned in the penitentiary not more than five years nor less than one year, or, if the value is less than that amount, be fined not more than two hundred nor less than twenty dollars, or imprisoned not more than three months, or both. [54 v. 126, §§ 1, 2, S. & C. 74; 53 v. 192, §§ 1, 2, S. & C. 75.]

SEC. 21. Whoever maliciously administers poison, of any sort whatever, to any animal mentioned in section nineteen of this chapter, the property of another, with intent to injure or destroy such animal, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned not more than thirty days, or both. [53 v. 192, § 3; S. & C. 75.]

SEC. 22. The last two sections do not extend to a person who kills or injures, or attempts to kill or injure, any animal mentioned therein while endeavoring to prevent it from trespassing upon his inclosure, or while it is trespassing therein, or thereafter driving it away from his premises. [54 v. 126, § 3, S. & C. 74; 53 v. 192, § 4, S. & C. 75.]

SEC. 23. Whoever wrongfully takes or unhitches any horse, mare, gelding, foal, or filly, ass, or mule, from the

Altering ear-marks or brands of domestic animals.

Killing or injuring domestic animals.

Administer-poison to domestic animals.

The last two sections not to apply to trespassing animals.



Taking, using, etc., horse, mule, etc., without leave.

stable or lot of another, or from any other place where any such animal has been lawfully hitched or placed, without the consent of the owner of the animal so taken or unhitched, with intent to injure, set at large, or use such animal, shall be fined not more than two hundred dollars, or imprisoned not more than ninety days, or both. [65 v. 200; S. & S. 279.]

Selling diseased animals, allowing same to run at large, or to come in contact with other animals.

SEC. 24. Whoever, being the owner, or having the charge of any animal mentioned in section nineteen of this chapter, knowing the same to have any infectious or contagious disease, or to have been recently exposed thereto, sells, barter, or disposes of such animal, without first disclosing to the person to whom the same is sold, bartered, or disposed of, that such animal is so diseased, or has been so exposed, as aforesaid, or knowingly permits such animal to run at large, or, knowing such animal to be diseased as aforesaid, knowingly permits the same to come into contact with any such animal of another person without his knowledge or permission, shall be fined not more than five hundred nor less than twenty dollars, or imprisoned not more than thirty days, or both. [54 v. 14, S. & C. 71; 64 v. 207, S. & S. 11.]

#### LARCENY, AND RECEIVING STOLEN PROPERTY

Larceny.

SEC. 25. Whoever steals any thing of value is guilty of larceny, and shall, if the value of the thing stolen is thirty-five dollars or more, be imprisoned in the penitentiary not more than seven years nor less than one year; or, if the value is less than that sum, be fined not more than two hundred dollars, or imprisoned not more than thirty days, or both. [60 v. 20, § 18, S. & S. 263; 66 v. 341, § 1; 68 v. 87, § 1; 69 v. 67, § 1.]

Horse-stealing, and receiving or concealing stolen horse, or concealing horse thief.

SEC. 26. Whoever steals any horse, mare, gelding, foal, or filly, ass or mule, of any value, or receives, buys, or conceals, any horse, mare, gelding, foal, or filly, ass or mule, that shall have been stolen, knowing the same to have been stolen, with intent to defraud, or knowingly conceals any horse-thief, shall be imprisoned in the penitentiary not more than fifteen years nor less than one year. [33 v. 33, § 27; S. & C. 412.]

Receiving property stolen, etc.

SEC. 27. Whoever buys, receives, or conceals, any thing of value which has been stolen, taken by robbers, embezzled, or obtained by false pretense, knowing the same to have been stolen, taken by robbers, embezzled, or obtained by false pretense, shall be deemed guilty of larceny, and punished accordingly. [33 v. 33, § 20, S. & C. 408; 33 v. 33, § 26, S. & C. 412; 34 v. 10, § 1, S. & C. 439; 37 v. 74, § 3, S. & C. 426; 56 v. 20, §§ 1, 2, S. & C. 451; 69 v. 68, § 3.]

#### MALICIOUS AND OTHER INJURIES.

Obstructing railroad track.

SEC. 28. Whoever maliciously places an obstruction upon any railroad, or displaces, or injures, or destroys any thing appertaining thereto, with intent to endanger the passage of

any locomotive or car, shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [60 v. 17, § 1; S. & S. 268.]

SEC. 29. Whoever maliciously destroys or injures any property not his own, shall, if the value of the thing destroyed, or the injury done, is one hundred dollars or more, be imprisoned in the penitentiary not more than seven years nor less than one year, or, if the value is less than that sum, be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both. [29 v. 144, § 16, S. & C. 429; 29 v. 144, § 18, S. & C. 430; 43 v. 92, §§ 1, 2, 3, S. & C. 420; 54 v. 36, § 1, S. & C. 446; 54 v. 99, § 1, S. & C. 445; 60 v. 20, § 18, S. & S. 263; 62 v. 8, § 1, S. & S. 284; 64 v. 128, § 2, S. & S. 56; 66 v. 122, § 1; 66 v. 341, § 1; 68 v. 42, § 5; 68 v. 87, § 1; 69 v. 82, § 5; 70 v. 215, § 73; 73 v. 64, §§ 1, 2; 73 v. 91, § 23; 73 v. 181, § 39.]

Malicious destruction of property.

SEC. 30. Whoever maliciously cuts down, or destroys, or by girdling, or any other means, injures any standing or growing vine, bush, shrub, sapling, or tree, not his own, or maliciously injures or destroys, or severs from the land of another, any product standing or growing thereon, or any other thing attached thereto, shall, if the value of the thing destroyed, or the amount of the damage done to any such thing, or to the land, is thirty-five dollars or more, be imprisoned in the penitentiary not more than three years nor less than one year, or, if the value is less than that sum, be fined not more than one hundred and fifty nor less than five dollars, or imprisoned not more than thirty days nor less than one day. [59 v. 79, § 1, S. & S. 282; 69 v. 67, §§ 1, 2; 62 v. 139, § 1, S. & S. 284; 37 v. 74, §§ 38-40, S. & C. 432; 59 v. 27, § 1, S. & S. 283; 29 v. 470, § 1, S. & C. 1612.]

Malicious destruction of trees and crops.

SEC. 31. Whoever knowingly and maliciously cuts, fells, defaces, alters, or removes, any land mark, corner, or bearing-tree, properly established, shall be fined in any sum not more than five hundred dollars, or imprisoned not more than thirty days, or both. [29 v. 144, § 26; S. & C. 429.]

Altering or removing land marks.

SEC. 32. Whoever displaces or removes any monument placed by the county surveyor, or by the direction of the county commissioners, at the corner of any originally surveyed township, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both. [69 v. 81, § 3.]

Removing township corner-posts.

SEC. 33. Whoever wantonly or maliciously throws or lays down, or opens, prostrates, or injures, any fence inclosing any land, the property of another, or any bars or gate in any such fence, shall be fined not more than one hundred dollars, or be imprisoned not more than thirty days, or both. Prosecutions under this section shall not be commenced after one year from the time the offense was committed. [60 v. 85, § 1, S. & S. 285; S. & C. 436, § 143.]

Throwing down fences or opening gates.

SEC. 34. Whoever rides or drives faster than a walk, on or over any toll bridge erected across the Ohio river, or any

Fast driving,  
etc., over  
bridges.

other toll bridge having placed upon it, by the owner thereof, a caution notice according to law, or any free county bridge, having placed upon it, by the commissioners of the county, a caution notice according to law, or drives on or over any such bridge more than twenty head of cattle at one time, or, with intent to defraud, fails or refuses to pay the usual toll for crossing any such bridge, shall be fined not more than ten dollars nor less than one dollar. [66 v. 90, § 2; 64 v. 128, §§ 4-6, S. & S. 57; 29 v. 372, §§ 2, 3, S. & C. 193.]

Drawing or  
driving ve-  
hicle on rail-  
road track.

SEC. 35. Whoever draws or drives any two or four-wheeled vehicle on or between the rails, or tracks, or on or along the graded roadway, of any steam railroad (unless compelled by necessity so to do), without the knowledge and consent of the owner or controller of such road, shall be fined not more than twenty-five nor less than five dollars. [60 v. 17, § 2, S. & C. 419; 46 v. 26, § 1, S. & C. 419.]

Injuring wa-  
ter-craft.

SEC. 36. Whoever wantonly or maliciously looses, takes, sinks, injures, or defaces, or in any manner renders the same unfit for use by the owner, any boat, or other water-craft, used, or kept by any person to be used, on any canal, river, or water-course, or on any lake, or pond, within this state, shall be fined not more than one hundred nor less than five dollars, or imprisoned not more than forty days, or both. [68 v. 87, § 1.]

Puttingsoap,  
alkali, etc.,  
into boilers,  
wells, etc.

SEC. 37. Whoever purposely and maliciously puts any soap, alkali, or other material which will tend to interfere with, or render unusually dangerous, the generating of steam, into any steam-boiler, tank, well, cistern, pipe, hose, or other receptacle, where such soap, alkali, or other material, or any part thereof, shall be liable to be drawn or pumped into any steam-boiler or generator, with intent to injure or damage any person, or to delay or retard the running of any engine, locomotive or machinery, shall be imprisoned in the penitentiary not more than ten years nor less than one year, or fined not more than five hundred nor less than one hundred dollars. [71 v. 115, § 1.]

Injuring cer-  
tain aids to  
navigation.

SEC. 38. Whoever willfully destroys, removes, or interferes with, any lamp, lantern, signal-light, buoy, beacon, or channel-stake, or other aid to navigation, placed, erected, or maintained by the government of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both; and whoever moors any vessel, or in any manner hangs on with any boat or vessel, to any such buoy, beacon, or channel-stake, shall be fined not more than fifty dollars, or imprisoned not more than ninety days, or both. [71 v. 34, § 1; 73 v. 63, § 1.]

Mooring  
boats to  
same.

Injuring and  
committing  
nuisances in  
buildings.

SEC. 39. Whoever maliciously injures or defaces any church edifice, school-house, dwelling-house, or other building, its fixtures, books, or appurtenances, or commits any nuisance therein, or purposely and maliciously commits any trespass upon the inclosed grounds attached thereto, or any fixtures placed thereon, or any inclosure or sidewalk about the same,

shall be fined in any sum not more than one hundred dollars. [63 v. 175, § 1, S. & S. 280, § 51; 70 v. 216, § 73.]

SEC. 40. Whoever intentionally defaces, obliterates, tears, or destroys, in whole or in part, any newspaper, magazine, or periodical, on file in any reading-room belonging to another person, or cuts therefrom any article or advertisement, shall be fined not more than one hundred nor less than ten dollars, or imprisoned not more than thirty days, or both. [63 v. 8, § 1; S. & S. 285.]

Destroying  
or defacing  
newspapers,  
etc., belong-  
ing to librari-  
es.

SEC. 41. Whoever maliciously demolishes, throws down, alters, or defaces, any mile-stone, mile-board, mile-post, guide-board, or guide-post, standing on any public road, shall be fined not more than fifty dollars, or imprisoned not more than ten days, or both. [29 v. 144, § 41; S. & C. 433.]

Demolishing  
guide-  
boards, etc.

SEC. 42. Whoever wrongfully, and without lawful authority, cuts down or destroys, or by girdling, or any other means, injures any vine, bush, shrub, sapling, or tree, standing or growing upon land not his own, or severs from the land of another, or injures, or destroys, any product standing or growing thereon, or other thing attached thereto, shall be fined in any sum not more than one hundred and fifty dollars, or imprisoned not more than thirty days, or both. 29 v. 470, § 1, S. & C. 1612; 69 v. 67, § 1; 62 v. 139, § 1; S. & S. 284; 29 v. 144, § 39, S. & C. 432; 56 v. 72, § 1, S. & C. 445.]

Trespassing  
by destroy-  
ing trees and  
crops.

SEC. 43. Whoever, in mining for coal, or other minerals, willfully, and without lawful authority, trespasses upon the lands of another, shall be fined not more than one hundred nor less than five dollars, or imprisoned not more than ten days, or both; and any continuation of such trespass for twenty-four hours after the commencement of any prosecution under this section, shall be deemed a separate offense; and all prosecutions hereunder shall be commenced within one year from the time the offense becomes known to any owner of the property injured. [64 v. 150, §§ 1-4; S. & S. 281.]

Trespassing  
while min-  
ing.

SEC. 44. Whoever intentionally defaces, obliterates, tears down, or destroys, in whole or in part, any copy or transcript of any law of the United States, or of the state of Ohio, or any proclamation, publication, advertisement, or notification whatsoever, set up in any public place, for the public information of any citizen, by the authority of any law or act of this state, or any sign, notice, card, or table of rules or rates, or any other notice, affixed or posted upon any bridge, by any owner or keeper thereof, for the information of the public, shall be fined not more than twenty dollars, or imprisoned not more than twenty-four hours, or both. [29 v. 372, § 1, S. & C. 192; 64 v. 128, § 3, S. & S. 57.]

Defacing or  
destroying  
advertisements or no-  
tifications  
set up by au-  
thority of  
law, or by  
bridge own-  
ers.

SEC. 45. Whoever paints, prints, pastes, stencils, or otherwise marks upon, or in any manner places upon or affixes to, any building, fence, wall, or tree, without the consent of the owner thereof, any word, letter, character, figure, sentence, or device, or any handbill, or notice, shall be fined not more than fifty nor less than ten dollars; but this section

Posting bills,  
etc., on  
buildings,  
etc., without  
consent of  
owner.

does not apply to the posting of any handbill or notice of any public sale of property by any sheriff, administrator, executor, or licensed auctioneer, or any notice required by any law to be posted. [64 v. 254, § 1; S. & S. 281.]

**Breaking  
open pound,  
etc.**

SEC. 46. Whoever interferes with, breaks open, destroys, or injures, any pound erected under authority of any law, or sets at liberty any animal impounded therein, shall be fined not more than fifty dollars, or imprisoned not more than ten days, or both. [64 v. 127, § 2; S. & S. 9.]

## CHAPTER 5.

### OFFENSES AGAINST PUBLIC PEACE.

#### SECTION

1. Unauthorized military expeditions.
2. Duelling.
3. Prize-fighting.
4. Aiding a prize-fight.
5. Affray.
6. Challenging to fight, or provoking breach of the peace.
7. Carrying concealed weapons.

#### SECTION

8. Riot.
9. All peace officers to warn rioters to disperse, and may call to their aid all persons of the county.
10. Rioters injured or killed in resisting officers, the slayer held guiltless.
11. Disturbing meetings.

**Unauthor-  
ized military  
expeditions.**

SECTION 1. Whoever begins, or sets on foot, or provides or prepares the means for, any unauthorized military expedition or enterprise, to be carried on from this state against the territory or people of any state of the United States, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [58 v. 110, § 3; S. & S. 262.]

**Duelling.**

SEC. 2. Whoever fights a duel, or is second to a person who fights a duel, or challenges another to fight a duel, or accepts a challenge to fight a duel, or is knowingly the bearer of such challenge, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [33 v. 33, § 25; S. & C. 412.]

**Prize-fight-  
ing.**

SEC. 3. Whoever engages as principal in any prize-fight shall be imprisoned in the penitentiary not more than ten years nor less than one year. [65 v. 29, § 1; S. & S. 274.]

**Aiding a  
prize-fight.**

SEC. 4. Whoever aids, assists, or attends, any prize-fight, as backer, trainer, second, umpire, assistant, or reporter, shall be fined not more than five hundred nor less than fifty dollars, and imprisoned not more than three months nor less than ten days. [65 v. 29, § 2; S. & S. 274.]

**Affray.**

SEC. 5. Any two persons who agree and willfully fight or box at fisticuffs, are guilty of an affray, and shall be fined not more than fifty dollars, or imprisoned not more than ten days, or both. [29 v. 144, § 17; S. & C. 430.]

**Challenging  
to fight, or  
provoking  
breach of the  
peace.**

SEC. 6. Whoever challenges another to fight at fisticuffs, or with cudgels, or provokes or attempts to provoke another to commit a breach of the peace, shall be fined not more than ten dollars nor less than one dollar. [73 v. 10, § 1.]

SEC. 7. Whoever carries any pistol, bowie-knife, dirk, or other dangerous weapon, concealed on or about his person, shall be fined not more than two hundred dollars, or imprisoned not more than thirty days; and, for a second offense, fined not more than five hundred dollars, or imprisoned not more than three months, or both [56 v. 56, § 1; S. & C. 452.]

Carrying  
concealed  
weapons.

SEC. 8. When three or more persons assemble together to do an unlawful act with force and violence, or, being assembled, do an unlawful act as aforesaid, or agree with each other to do an unlawful act with force and violence, and make any preparation or movement therefor, or continue together after proclamation made as provided in the next section, or attempted to be made, and prevented by rioters, they are guilty of riot, and shall each be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both, and shall give security for good behavior and to keep the peace for one year. [70 v. 144, § 5; 29 v. 144, § 7, S. & C. 427.]

Riot.

SEC. 9. Whenever three or more persons are unlawfully or riotously assembled, it shall be the duty of all judges, justices of the peace, sheriffs, and all other ministerial officers, immediately upon view, or as soon as may be on information, to make proclamation in the hearing of such persons, commanding them, in the name of the state of Ohio, to disperse and depart to their several homes or lawful employments; and if such persons do not then immediately disperse and depart as aforesaid, it shall be the duty of the officers aforesaid, respectively, to call upon all persons near, and, if necessary, throughout the county, to aid and assist in dispersing and taking into custody all persons assembled as aforesaid; and every person called as aforesaid, who refuses to render immediate assistance, shall be fined not more than fifty dollars. [29 v. 144, §§ 6 22; S. & C. 427.]

All peace of-  
ficers to  
warn rioters  
to disperse,  
and may call  
to their aid  
all persons of  
the county.

SEC. 10. If any persons unlawfully or violently assembled are killed, or maimed, or otherwise injured, in consequence of resisting the officers or others in dispersing and apprehending them, in accordance with the provisions of the foregoing section, such officers, and others acting by their authority, or the authority of either of them, shall be held in guiltless, if such killing, maiming or injury takes place in consequence of the use of necessary and proper means to disperse or apprehend any such persons so assembled as aforesaid. [29 v. 144, § 8; S. & C. 428.]

Rioters in-  
jured or  
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sisting offi-  
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slayer held  
guiltless.

SEC. 11. Whoever willfully interrupts or disturbs any assembly of persons met for a lawful purpose, or any person while he is at or about the place where such assembly is to be held, or is or has been held, shall be fined not more than fifty dollars, or imprisoned not more than ten days, or both. [73 v. 224, § 1; 61 v. 98, § 1, S. & S. 288; 70 v. 216, § 74.]

Disturbing  
meetings.

## CHAPTER 6.

## OFFENSES AGAINST PUBLIC JUSTICE.

## SECTION.

1. Perjury.
2. Falsely personating another.
3. Giving bribes to jurors, etc.; jurors, etc., accepting bribes.
4. Conveying into prison things with intent to aid and escape.
5. Giving bribes to officers or public agents.
6. Suffering prisoners to escape; rescuing prisoners by force.
7. Aiding or inducing convicts to escape.
8. Attempting by persuasion, etc., to prevail on officer to permit an escape.
9. Witness refusing to appear, or to be sworn, or to answer; proviso.
10. Endeavoring to intimidate witness, juror, or officer, or to obstruct the due administration of justice.

## SECTION.

11. Resisting or abusing judicial or ministerial officers in the execution of their office.
12. Extortion.
13. Injuring or defrauding under color of office.
14. Stirring up lawsuits and quarrels.
15. Judge of common pleas acting as attorney before justice of the peace.
16. Usurpation of office and oppression.
17. Jailor suffering jail to become unclean; dealing with prisoner less strictly than sentence warrants.
18. Ministerial officers willfully neglecting or refusing to perform their duties in criminal cases; delaying to execute criminal process.
19. Refusing to aid officers in arresting, securing, etc., a criminal, and in preserving the peace.

## PERJURY, FALSE PERSONATION, AND BRIBERY.

## Perjury.

SECTION 1. Whoever, either verbally or in writing, on oath lawfully administered, willfully and corruptly states a falsehood, as to any material matter, in a proceeding before any court, tribunal, or officer created by law, or in any matter in relation to which an oath is authorized by law, is guilty of perjury, and shall be imprisoned in the penitentiary not more than ten nor less than three years. [33 v. 33, § 9, S. & C. 405; 54 v. 83, S. & C. 547; 38 v. 146, § 212, S. & C. 607; 52 v. 27, §§ 6, 7, S. & C. 1171; 39 v. 13, § 23, S. & C. 546; 68 v. 27, § 4.]

## Falsely personating another.

SEC. 2. Whoever falsely personates another person, before any court of record, or judge thereof, or before any justice of the peace, clerk of the supreme court or court of common pleas, or any other officer of this state who is authorized to take the acknowledgment of deeds, powers or warrants of attorney, or to grant marriage licenses, with intent to defraud, shall be imprisoned in the penitentiary not more than six years nor less than one year. [33 v. 33, § 21; S. & C. 409.]

## Giving bribes to jurors, etc. Jurors, etc., accepting bribes.

SEC. 3. Whoever, with intent to corrupt a juror, referee, arbitrator, umpire, commissioner, or appraiser of real or personal property, or to influence him with respect to the discharge of his duty, either before or after he is summoned, appointed, or sworn, promises or offers him any valuable thing; and whoever, either before or after he is summoned, appointed, or sworn as a juror, witness, referee, arbitrator, umpire, com-

missioner, or appraiser of real or personal property, solicits or accepts any valuable thing to influence him with respect to the discharge of his duty as such, shall be fined not more than five hundred dollars, or imprisoned not more than sixty days, or both. [29 v. 144, §§ 30, 31, 33; S. & C. 431, 432.]

SEC. 4. Whoever corruptly gives, promises, or offers to any member or officer of the general assembly, or either house thereof, or to any state, judicial, or other officer, or any public trustee, or any agent or employé of the state, or of such officer or trustee, either before or after his election, qualification, appointment, or employment, any valuable thing; or corruptly offers or promises to do any act beneficial to any such person, to influence him with respect to his official duty, or to influence his action, vote, opinion, or judgment, in any matter pending, or that might legally come before him; and whoever, being a member of the legislature, or a state or other officer, or public trustee, or agent or employé of the state, or of such officer or trustee, either before or after his election, qualification, appointment, or employment, solicits or accepts any such valuable or beneficial thing to influence him with respect to his official duty, or to influence his action, vote, opinion, or judgment, in any matter pending, or that might legally come before him, shall be imprisoned in the penitentiary not more than five years, or fined not more than five hundred dollars, or both. A person convicted under this section is disqualified from holding any public office or appointment under this state; and, if not a state officer, shall be removed from office or employment by order of the court. [57 v. 47, §§ 1, 2, 3, S. & C. 457; 70 v. 155, § 1; 29 v. 144, § 33, S. & C. 432.]

Giving bribes to officers or public agents.

Officers or public agents soliciting or accepting bribes.

Disqualification to hold and removal from office.

#### AIDING ESCAPES.

SEC. 5. Whoever conveys, or attempts to convey, into the penitentiary, or a jail, or any other place of confinement, any thing useful to effect the escape of any prisoner lawfully detained therein, and with intent thereby to facilitate the escape of such prisoner, whether an escape be effected, or attempted, or not, shall, if such prisoner be detained for felony, be imprisoned in the penitentiary not more than three nor less than two years, or, if detained for a misdemeanor, be fined not more than five hundred nor less than fifty dollars, or imprisoned not more than three months, or both. [62 v. 109, § 1, S. & S. 287; 68 v. 9, § 1.]

Conveying into prison things with intent to aid an escape.

SEC. 6. Whoever, having lawfully the custody of a person charged with or convicted of an offense, voluntarily suffers such prisoner to escape and go at large, and whoever rescues such prisoner by force from the custody of such person, or from a jail, or any place of confinement, shall be fined not more than five hundred nor less than fifty dollars, or imprisoned not more than three months, or both. [29 v. 144, §§ 27, 28; S. & C. 431.]

Suffering prisoner to escape.

Rescuing prisoner by force.



**Aiding or inducing convicts to escape.**

**SEC. 7.** Whoever aids, or induces, or attempts to induce, any convict in the penitentiary to escape, or attempt to escape therefrom, shall be imprisoned in the penitentiary for a term not exceeding that for which such convict was committed; and whoever aids or assists a person lawfully confined in any jail, or other place of confinement, to escape therefrom, or in an attempt to escape therefrom, though no escape be actually made, shall be fined not more than five hundred nor less than fifty dollars, or imprisoned not more than ninety days, or both. [68 v. 9, § 1; 29 v. 144, § 30 S. & C. 431.]

**Attempting by persuasion, etc., to prevail on officer to permit an escape.**

**SEC. 8.** Whoever, by persuasion, or any artifice or means whatever (except as provided in section four of this chapter), attempts to prevail upon any officer or other person charged with the safe-keeping of any prisoner accused or convicted of any criminal offense, to permit such prisoner to escape from custody, shall be fined not more than two hundred dollars, and imprisoned not more than thirty days. [29 v. 144, § 34; S. & C. 432.]

**Witness refusing to appear,**

**or to be sworn,  
or to answer.**

**SEC. 9.** Whoever, having been duly served with a subpoena legally issued, willfully fails to obey the same, or secretes himself, or leaves the place of his residence, to avoid being served with a subpoena issued, or that he has reason to believe will be issued for him in any cause pending in any court, or, being present before any court or authority, and called upon to give testimony, refuses to take an oath, or being sworn, refuses to answer any question required by such court or authority to be answered, shall be fined not more than five hundred nor less than ten dollars, or imprisoned not more than ninety days, or both; but this section shall not prevent summary proceedings for contempt, nor require a witness in a civil action or proceeding to be sworn, or give testimony, before his fees as such witness are paid. [29 v. 144, § 32; S. & C. 432; 69 v. 62, § 3; 73 v. 58, § 2.]

**Proviso.**

**Endeavoring to intimidate witness, juror, or officer, or to obstruct the due administration of justice.**

**SEC. 10.** Whoever, corruptly, or by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer, in any court of this state, in the discharge of his duty, or by threats or force obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be fined not more than one hundred dollars, or imprisoned not more than twenty days, or both; but no prosecution shall be commenced under this section after one year after the offense is committed. [32 v. 17, §§ 2, 3; S. & C. 258.]

**Resisting or abusing judicial or ministerial officers in the execution of their office.**

**SEC. 11.** Whoever abuses any judge or justice of the peace in the execution of his office, or knowingly and willfully resists, obstructs, or abuses any sheriff, constable, or other officer, in the execution of his office, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both. [29 v. 144, §§ 7, 9; S. & C. 427, 428.]

### MISCONDUCT OF OFFICERS.

**SEC. 12.** An officer under the constitution or laws of this state who knowingly asks, demands, or receives, any fee or reward, other than is allowed by law, to execute or do his official duty, or knowingly charges, asks, demands, or receives any more or greater fees or costs than are allowed by law for such official duty, or engages in, or suffers others in his employ to engage in, any business which by reason of his office he is prohibited from doing, shall be fined not more than two hundred dollars, or imprisoned not more than twenty days, or both. An officer convicted under this section forfeits his office, and the same shall be declared by the court to be vacant; and such convict shall, for seven years thereafter, be incapable of holding any office of honor, profit, or trust, in this state. [29 v. 144, § 11; S. & C. 428; 70 v. 61, § 1.]

**Extortion.**

**SEC. 13.** A sheriff, coroner, constable, jailor, clerk, county recorder, county auditor, county treasurer, county assessor, or other ministerial officer, and every deputy or subordinate of any such officer, who, by color of, or in the execution of, his office, willfully or corruptly injures, defrauds, or oppresses any person, or attempts to defraud, injure, or oppress any person, shall be fined not more than two hundred dollars. [29 v. 144, § 15; S. & C. 429.]

**Injuring or defrauding under color of office.**

**SEC. 14.** A judge, justice of the peace, clerk of any court, sheriff, coroner, constable, attorney or counselor at law who encourages, excites, or stirs up any suit, quarrel, or controversy between two or more persons, with intent to injure any such person, shall be fined not more than five hundred dollars. [29 v. 144, § 14; S. & C. 429.]

**Stirring up law suits and quarrels.**

**SEC. 15.** A judge of the court of common pleas who, during his continuance in office, acts as attorney, counsel, or advocate for any party in the court of any justice of the peace, shall be fined not more than two hundred nor less than fifty dollars, and imprisoned not more than thirty nor less than ten days. [47 v. 37, § 1; S. & C. 436.]

**Judge of common pleas acting as attorney before justice of the peace.**

**SEC. 16.** Whoever takes upon himself to exercise, or officiate in, any office or place of authority in this state, without being lawfully authorized, and whoever, by color of his office, willfully and corruptly oppresses any person, under pretense of acting in his official capacity, shall be fined not more than three hundred dollars, or imprisoned not more than twenty days, or both. [29 v. 144, § 13; S. & C. 429.]

**Usurpation of office and oppression.**

### NEGLIGENCE OF OFFICERS.

**SEC. 17.** A sheriff, or jailor, or other person, having the care and custody of any jail, who suffers the same to become foul or unclean, so that the health of any prisoner may be endangered, or suffers any prisoner, sentenced to imprisonment for any criminal offense, to be dealt with in a manner less strictly than intended by the sentence, shall be fined

**Jailor suffering jail to become unclean. Dealing with prisoner less strictly than sentence warrants.**

not more than one hundred dollars. [29 v. 144, §§ 42, 51; S. & C. 433, 434.]

Ministerial officers willfully neglecting or refusing to perform their duty in criminal cases.

Delaying to execute criminal process.

Punishment.

May be removed.

Refusing to aid officers in arresting, securing, etc., a criminal, and in preserving the peace.

SEC. 18. A clerk, sheriff, coroner, constable, or other ministerial officer, who willfully refuses or neglects to perform any duty he is required by law to perform, in any criminal case or proceeding, and every officer whose duty it is to execute the same, who delays to serve any warrant, legally issued in any criminal case, which is delivered to him to execute, when in his power to serve the same, either alone or by calling assistance, shall, if the offense charged be a felony, be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both; or, if the offense be a misdemeanor, be fined not more than one hundred dollars, or imprisoned not more than twenty days, or both. An officer convicted under this section may be removed from office by order of the court. [29 v. 144, §§ 47, 48, 49, S. & C. 434; 29 v. 112, §§ 4, 11, S. & C. 1398-1401.]

SEC. 19. Whoever, when called upon by the sheriff, coroner, constable, or other ministerial officer, to assist him in apprehending any person charged with, or convicted of, any criminal offense, or in securing such person when apprehended, or in conveying him to jail or prison, neglects or refuses to render such assistance, shall be fined not more than fifty dollars. [29 v. 144; S. & C. 430.]

## CHAPTER 7.

### OFFENSES AGAINST PUBLIC HEALTH.

#### SECTION

1. Corporations may be prosecuted for nuisance; court to order nuisance to be abated.
2. Where certain nuisances deemed to have been committed; continuance of, a separate offense.
3. Nuisances.
4. Creating artificial ponds and stagnant water.
5. Depositing dead animals, offals, etc., into or upon land or water.

#### SECTION

6. Certain business and buildings are nuisances when near state benevolent institutions.
7. Throwing coal, dirt, etc., into rivers, etc.
8. Obstructing ditch, drain, or water course.
9. Befouling well, spring, etc.
10. Selling unwholesome provisions.

### NUISANCES.

Corporations may be prosecuted for nuisance.

Court to order nuisance abated.

SECTION 1. Corporations may be prosecuted by indictment for violation of any of the provisions of sections three, four, five, six, seven, and eight of this chapter [24 O. S., p. 611; 62 v. 137, § 2, S. & S. 53; 63 v. 96, § 1, S. & S. 53], and in every case of conviction under said sections the court shall adjudge that the nuisance described in the indictment be abated or removed, and may issue an order to the sheriff to

execute such judgment at the cost and expense of the defendant. [54 v. 130, § 3; S. & C. 881.]

SEC. 2. An offense charged under either of said sections, shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby, [62 v. 137, § 1; S. & S. 500]; and the continuance of any nuisance for five days after prosecution commenced therefor shall be deemed an additional offense. [30 v. 22, §§ 1, 2, 3, S. & C. 878; 63 v. 102, § 1, S. & S. 500.]

SEC. 3. Whoever erects, continues, uses, or maintains, any building, structure, or place for the exercise of any trade, employment, or business, or for the keeping or feeding of any animal, which, by occasioning noxious exhalations, or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals, or the public, or causes or suffers any offal, filth, or noisome substance, to be collected, or to remain, in any place, to the damage or prejudice of others, or the public, or obstructs or impedes, without legal authority, the passage of any navigable river, harbor, or collection of water, or corrupts, or renders unwholesome or impure, any water-course, stream, or water, or unlawfully diverts any such water-course from its natural course or state, to the injury or prejudice of others, or obstructs or incumbers, by fences, buildings, structures, or otherwise, any public ground, or highway, or any street or alley of any municipal corporation, shall be fined not more than five hundred dollars. [30 v. 22, §§ 1, 2, S. & C. 878; 54 v. 130, §§ 1, 2, S. & C. 880; 72 v. 112, § 1; 32 v. 38, § 1, S. & C. 441.]

SEC. 4. Whoever builds, erects, continues, or keeps up, any dam or other obstruction, in any river or stream of water, and thereby raises an artificial pond, or produces stagnant water, which is manifestly injurious to the public health and safety, shall be fined not more than five hundred dollars. [29 v. 144, § 46; S. & C. 433.]

SEC. 5. Whoever puts the carcass of any dead animal, or the offal from any slaughter-house or butcher's establishment, packing-house, or fish-house, or any spoiled meats, or spoiled fish, or any putrid animal substance, or the contents of any privy vault, upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, and whoever, being the owner or occupant of any such place, knowingly permits any such thing to remain therein, to the annoyance of any of the citizens of this state, or neglects or refuses to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above described premises owned or occupied by him, or, after notice thereof in writing from any supervisor, constable, trustee, or health officer of any municipal corporation or township in which such nuisance exists, shall be fined not more than fifty dollars nor less than one dollar. [63 v. 102, § 1, S. & S. 500; 30 v. 22, § 3, S. & C. 878.]

When certain nuisances deemed to have been committed. Continuance of, a separate offense. Nuisances.

Creating artificial ponds and stagnant waters.

Depositing dead animals, offals, etc., into or upon land or water.

Certain business and buildings are nuisances when near state benevolent institutions.

SEC. 6. Whoever carries on the business of slaughtering, or tallow-chandlery, or manufacturing glue, soap, starch, or other article, the manufacture of which is productive of unwholesome or noxious odors, in any building or place within one mile of Longview asylum, or any of the state benevolent institutions, or erects, within one hundred and twenty rods of any state benevolent institution, any rolling-mill, blast furnace, nail factory, copper-smelting works, boiler factory, petroleum oil refinery, or any other works which may generate unwholesome or noxious odors, or make loud noises, or which may annoy or endanger the health or prevent the recovery of the inmates of any such institution, shall be fined not more than five hundred nor less than one hundred dollars. All property, real or personal, which is used with the knowledge of the owner thereof in violation of this section, shall be liable for the fines and costs assessed for such violation, without exemption. [62 v. 137, §§ 1, 2, 3, S. & S. 53; 63 v. 96, §§ 1, 2, S. & S. 53; 63 v. 57, S. & S. 52.]

Throwing coal, dirt, etc., into rivers, etc.

SEC. 7. Whoever intentionally throws or deposits, or permits to be thrown or deposited, any coal dirt, coal slack, coal screenings, or coal refuse from coal mines, or any refuse or filth from any coal-oil refinery or gas works, or any whey or filthy drainage from a cheese factory, upon or into any of the rivers, lakes, ponds, or streams of this state, or upon or into any place from which the same will wash into any such river, lake, pond, or stream, shall be fined in any sum not more than two hundred nor less than fifty dollars. [73 v. 87, § 1.]

Obstructing ditch, drain, or water-course.

SEC. 8. Whoever willfully obstructs any ditch, drain, or water course constructed by proceedings before any board of county commissioners or township trustees, or diverts the water therefrom, shall be fined not more than one hundred nor less than ten dollars [72 v. 150, §§ 1, 2; 68 v. 67, § 24.]

Befouling well, spring, etc.

SEC. 9. Whoever maliciously puts any dead animal, carcass, or part thereof, or any other putrid, nauseous, noisome, or offensive substance, into, or in any manner befouls, any well, spring, brook, or branch of running water, or any reservoir of water works, of which use is or may be made for domestic purposes, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than sixty days, or both. [70 v. 12, § 2.]

#### SELLING UNWHOLESOME PROVISIONS.

Selling unwholesome provisions.

SEC. 10. Whoever sells any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, or any adulterated substance used for seasoning food, without making the condition of the same known to the buyer, and whoever kills, for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars, or imprisoned twenty days, or both. [29 v. 144, § 45; S. & C. 433.]

## CHAPTER 8.

## OFFENSES AGAINST PUBLIC POLICY.

## SECTION

1. Publishing lottery schemes, etc.
2. Selling tickets, etc., in lotteries or schemes of chance.
3. Promoting lotteries, or any scheme of chance.
4. Keeping room, etc., for gambling, or permitting same to be so used; renting room to be used for gambling.
5. Suffering gaming upon device for gain in house, etc.
6. Exhibiting gambling device for gain; gambling for a livelihood.
7. Keepers of houses of public resort suffering games to be played thereat.
8. Playing games in public places.
9. Inducing minor to play for money, etc.
10. Playing game or making bet for money.
11. Betting on elections.
12. Being found in a state of intoxication.
13. Selling liquor to be drunk where sold, or to a minor or person intoxicated or in the habit of getting intoxicated.
14. Keeping a place where intoxicating liquors are sold in violation of law.
15. Buying intoxicating liquor for minors or persons intoxicated.
16. Selling spirituous liquors on Sunday.
17. Selling liquor, or trading, near camp-meetings.
18. Intoxicating liquors not to be sold at certain places.
19. Furnishing liquor to prisoners.
20. No intoxicating liquors to be sold on election days, and drinking places to be closed.
21. Cruelty to animals.
22. Dog fighting, cock-fighting, etc.; who deemed aiders and abettors.
23. Manufacturing, storing and transporting nitro-glycerine.
24. Selling, or offering to sell, explosive oils.
25. Selling or giving away poisons.

## SECTION

26. Catching or killing muskrats, mink, or otter, at certain seasons.
27. Killing or injuring certain birds; destroying or disturbing eggs of same birds.
28. Killing or injuring certain game birds at certain times; destroying or disturbing eggs of same birds.
29. Discharging fire-arms on lawns, etc.
30. Killing wild deer at certain seasons.
31. Exposing for sale game killed in violation of law; prima facie evidence of unlawful killing.
32. Killing or disturbing wild pigeons at roosting or nesting places.
33. Shooting or hunting on lands of another; pulling down or defacing notices not to shoot on lands.
34. Ferrets not to be used to catch rabbits.
35. Killing or catching fish, except by hook and line; catching fish in private ponds.
36. Officer or agent of state who is interested in contracts for use of state.
37. Frauds by superintendents of public work.
38. County auditor failing to report to state auditor.
39. County auditor failing to make settlement, etc.
40. Fraudulent entry of tax omissions by county auditor.
41. County recorder recording plats before approval.
42. Members of boards of education.
43. Municipal officer being interested in corporation contracts, or acting as superintendent of corporation work.
44. Justice of the peace failing to make and set up lists of unclaimed moneys in his hands.
45. Harboring or concealing thief or robber.
46. Engineer failing to stop at railroad crossing; failing to sound whistle and bell at road crossings.
47. Riding or driving into inclosures of railroads, etc.

## SECTION

- 48. Employing children under fourteen years in shows, etc.
- 49. When last section does not apply; certain fines—to whom to be paid.
- 50. Pure white not to intermarry with person having visible admixture of African blood.
- 51. Penalty for solemnizing such marriage, or issuing license therefor.
- 52. Administering anaesthetics without the presence of a witness.
- 53. Taking or selling note for patent right.
- 54. Vagrants—how punished.
- 55. Connecting river bridges to Ohio shore of Ohio river.

## SECTION

- 56. Tavern-keeper permitting rioting, drunkenness, etc., in his house.
- 57. Pawnbroker failing to take license, or to keep register.
- 58. Keeper of public house keeping or permitting ball or ten-pin alley.
- 59. Suffering Canada thistles to grow on land, and vending seed thereof.
- 60. Firing cannon or exploding gunpowder on public streets.
- 61. Exhibiting puppet show, etc., for money.
- 62. Playing bullets, or running horses, or shooting in municipal corporation.

## LOTTERIES.

Publishing  
lottery  
schemes, etc.

SEC. 1. Whoever writes, prints, or publishes, in any way, an account of any lottery or scheme of chance, of any kind or description, by whatsoever name, style, or title the same may be denominated or known, stating when or where the same is to be drawn, or the prizes therein, or any of them, or the price of a ticket, or showing therein where any ticket may be obtained, or in any way giving publicity to such lottery or scheme of chance, shall be fined not more than one hundred dollars. [49 v. 105, § 1; S. & C. 435.]

Selling tick-  
ets, etc., in  
lotteries or  
schemes of  
chance.

SEC. 2. Whoever vends, sells, barter, or in any way disposes of any ticket, order, or device of any kind, for or representing any number of shares, or any interest, in any lottery, "policy," or scheme of chance, of any kind or description, by whatever name, style, or title the same may be denominated or known, whether located, or to be drawn, paid, or carried on within or without this state, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [59 v. 10, § 1; S. & S. 287.]

Promoting  
lotteries, or  
any scheme  
of chance.

SEC. 3. Whoever, publicly or privately, as owner or agent, establishes, opens, sets on foot, carries on, promotes, makes, draws, or acts as "backer" or "vendor" for or on account of, or is in any way concerned in, any lottery, "policy," or scheme of chance, of any kind or description, by whatever name, style, or title the same may be denominated or known, whether located, or to be drawn, paid or carried on within or without this state, or by any of the means aforesaid exposes or sets to sale any thing of value, shall be fined not more than five hundred nor less than fifty dollars, and imprisoned not more than ninety nor less than ten days. [59 v. 10, § 1, S. & S. 287; 70 v. 123, § 1.]

## GAMING AND BETTING.

SEC. 4. Whoever keeps a room, building, arbor, booth, shed, or tenement, or canal-boat or other water-craft, to be

used or occupied for gambling, or knowingly permits the same to be used or occupied for gambling, and whoever, being the owner of any room, building, arbor, booth, shed, or tenement, or canal-boat or other water-craft, rents the same to be used or occupied for gambling, shall be fined not more than five hundred nor less than thirty dollars, or imprisoned not more than thirty nor less than ten days, or both. And an owner of any such building, tenement, or water-craft, who knows that any gaming device is used or kept therein for gambling, and does not forthwith make complaint against the person so using or keeping the same, shall be deemed to have knowingly permitted the same to be used and occupied for such purpose. [44 v. 196, § 1; S. & C. 662.]

SEC. 5. Whoever suffers any game whatsoever to be played for gain, upon or by means of any gaming device or machine, of any denomination or name, in his house, or in any out-house, booth, arbor, or erection, of which he has the care or possession, shall be fined not more than two hundred nor less than fifty dollars. [29 v. 442, § 9; S. & C. 666.]

SEC. 6. Whoever keeps or exhibits for gain, or to win or gain money or other property, any gambling table (except billiard table), or faro or keno bank, or any gambling device or machine of any kind or description, under any denomination or name whatsoever, or keeps or exhibits any billiard table for the purpose of betting or gambling, or allows the same to be used for any such purpose, or engages in gambling for a livelihood, or is without any fixed residence and in the habit or practice of gambling, is a common gambler, and shall be fined not more than five hundred nor less than fifty dollars, and imprisoned not more than ninety nor less than ten days, or both, and shall give security in the sum of five hundred dollars to be of good behavior for one year. [54 v. 196, § 2, S. & C. 662; 73 v. 249, § 1.]

SEC. 7. A keeper of a tavern, ordinary, or other house of public resort, who suffers any game whatever, for a wager, to be played at or within such tavern, ordinary, or other house of public resort, or in any out-house, building, or erection appendant thereto, shall be fined not more than two hundred nor less than fifty dollars. [29 v. 442, § 10; S. & C. 666.]

SEC. 8. Whoever plays in any ordinary, tavern, or race-field, or booth, arbor, out-house, or other erection connected therewith, or in any other public place, at any game whatsoever, for a wager, or bets or wagers on the hands or sides of such as do play as aforesaid, shall be fined not more than one hundred dollars. [29 v. 442, § 7; S. & C. 665.]

SEC. 9. Whoever, by any device or pretense, entices any minor to engage in any game whatever for money or property of any value, or makes any bet or wager with a minor, upon the result of any game, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned not

Keeping room, etc., for gambling, or permitting same to be so used.

Renting room to be used for gambling.

When owner deemed to permit such use.

Suffering gaming upon device for gain in house, etc.

Exhibiting gambling device for gain.

Gambling for a livelihood.

Keepers of houses of public resort suffering games to be played thereat.

Playing games in public places.

Inducing minor to play for money, etc.



more than one year nor less than three months. [59 v. 196, § 4; S. & C. 667.]

Playing  
game or mak-  
ing bet for  
money.

SEC. 10. Whoever plays at any game whatsoever, for any sum of money, or other property of any value, or makes any bet or wager for any sum of money, or other property of any value, shall be fined not more than one hundred dollars, or imprisoned not more than six months nor less than ten days, or both. [56 v. 24, § 7; S. & C. 665.]

Betting on  
elections.

SEC. 11. Whoever makes any bet or wager upon the result of any election held under the laws of this state, or upon the election of any person to any office, post, or situation, which, by the constitution or laws of this state is made elective, or upon the election of president or vice president of the United States, or of any elector of president or vice-president of the United States, shall be fined not more than five hundred nor less than five dollars; and whenever the amount put at hazard is between said sums the fine shall equal the amount so hazarded. Prosecutions under this section shall be commenced within one year from the time the offense is committed. [37 v. 79, § 1; S. & C. 446.]

#### INTOXICATING LIQUORS.

Being found  
in a state of  
intoxication.  
Selling liquor  
to be drank  
where sold;

SEC. 12. Whoever is found in a state of intoxication shall be fined five dollars. [56 v. 173, § 5; S. & C. 1432.]

Or to a minor,  
or person in-  
toxicated, or  
in the habit  
of getting in-  
toxicated.

SEC. 13. Whoever sells intoxicating liquor to be drank in, upon, or about the building or premises where sold, or in any adjoining room, building, or premises, or other place of public resort connected therewith, or sells intoxicating liquors to a minor, except upon the written order of his parent, guardian, or family physician, or to a person intoxicated, or in the habit of getting intoxicated, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than thirty nor less than ten days. [52 v. 153, §§ 1, 2, 3, 8; S. & C. 1431-3.]

Keeping a  
place where  
intoxicating  
liquors are  
sold in viola-  
tion of law.  
The place  
where sold  
declared a  
nuisance,  
and upon  
conviction of  
keeper shall  
be shut up  
unless, etc.

SEC. 14. A keeper of a place where intoxicating liquors are sold in violation of law shall be fined not more than one hundred nor less than fifty dollars, or imprisoned not more than thirty nor less than ten days, or both. Upon conviction of such keeper, the place where such liquor is sold shall be deemed to be a common nuisance, and the court shall order him to shut up and abate the same, unless he makes it appear to the court that he does not then sell liquor therein in violation of law, or gives bond, payable to the state of Ohio, in the sum of one thousand dollars, with sureties to the acceptance of the court, that he will not sell liquor therein in violation of law, and will pay all fines, costs and damages assessed against him for violation of the laws relating to the sale of intoxicating liquor. The provisions of the last section concerning the sale of intoxicating liquor to be drank at the place where sold, and [and] this section, do not extend to the sale of wine manufactured of the pure juice of the grape

cultivated in this state, or beer, ale, or cider; and the giving away of intoxicating liquor, or other shift or device to evade the provisions of this and the last section, shall be deemed and held to be unlawful selling. [52 v. 153, §§ 4, 8, 9; S. & C. 1431-3.]

SEC. 15. Whoever buys for or furnishes to a person who is at the time intoxicated, or in the habit of getting intoxicated, any intoxicating liquor, or buys for or furnishes to a minor, to be drank by such minor, any intoxicating liquor, unless given by a physician in the regular line of his practice, shall be fined not more than one hundred nor less than ten dollars, or imprisoned not more than thirty nor less than ten days, or both. [63 v. 149, §§ 1, 2; S. & S. 748.]

SEC. 16. Whoever sells or barters any spirituous liquors on the first day of the week, commonly called Sunday, shall be fined not more than five dollars. [29 v. 161, § 2; S. & C. 448.]

SEC. 17. Whoever sells, or exposes for sale, gives, barters, or in any other way disposes of, any spirituous or other liquors, or any articles of traffic whatsoever, at any place at or within the distance of four miles from the place where any religious society or assemblage of people is collected or collecting together for religious worship, shall be fined not more than one hundred nor less than ten dollars. This section does not extend to tavern-keepers exercising their calling, or distillers, manufacturers, or others prosecuting their regular trades at their places of business, nor to any person disposing of any ordinary article of provisions, excepting spirituous liquors, at his residence, nor to any person having a permit from the trustees or managers of any such religious society or assemblage to sell provisions for the supply of persons attending such religious worship, their horses or cattle, and who is observing the regulations of such society or assemblage, and the laws of the state. [58 v. 91, § 1; S. & S. 288.]

SEC. 18. Whoever sells intoxicating liquors at, or within twelve hundred yards of, the administration or main central building of the Ohio Soldiers' and Sailors' Orphans' Home, or within two miles of the boundary lines of the Ohio Reform Farm, located south of Lancaster, Fairfield county, shall be fined not more than one hundred nor less than ten dollars, or imprisoned not more than thirty days, or both; and, on conviction of the owner or keeper thereof, the place wherein such intoxicating liquors are sold may, by order of the court, be shut up and abated as a nuisance. [71 v. 82, § 1]

SEC. 19. Whoever conveys into a jail any spirituous or malt liquor, or wine, or, having charge of a jail, knowingly permits a prisoner confined therein to receive any such liquor, except the same be prescribed by a physician as medicine for a prisoner therein, shall be fined not more than one hundred nor less than ten dollars, or imprisoned not more than thirty nor less than ten days. [54 v. 127, §§ 1, 2, S. & C. 750.]

Buying intoxicating liquor for minors, or persons intoxicated.

Selling spirituous liquors on Sunday.

Selling liquor or trading near camp meetings.

Intoxicating liquors not to be sold at certain places.

Furnishing liquor to prisoners.

No intoxicating liquors to be sold on election days and drinking places to be closed.

SEC. 20. Whoever sells, or gives away, any spirituous, vinous, or malt liquors on any election day, or, being the keeper of a place where any such liquors are habitually sold and drank, fails on any election day to keep the same closed, shall be fined not more than one hundred dollars, and imprisoned not more than ten days. [61 v. 24; S. & S. 344.]

#### CRUELTY TO ANIMALS.

Cruelty to animals.

SEC. 21. Whoever overdrives, overloads, tortures, torments, deprives of necessary sustenance, or unnecessarily or cruelly beats, or needlessly mutilates or kills any animal, or impounds or confines any animal in any place and fails to supply the same during such confinement with a sufficient quantity of good, wholesome food and water, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, or who keeps cows or other animals in any inclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk, or abandons to die any maimed, sick, infirm, or diseased animal, shall be fined not more than two hundred nor less than five dollars, or imprisoned not more than sixty days, or both. [72 v. 129, §§ 1, 2, 4, 5, 6, 22.]

Dog-fighting, cock-fighting, etc.

SEC. 22. Whoever engages in or is employed at cock-fighting, dog-fighting, bear-baiting, pitting one animal against another of the same or of a different kind, or any similar cruelty to animals, or receives money for the admission of any person to any place kept for any such purpose, or uses, trains, or possesses a dog or other animal for the purpose of seizing, detaining, or maltreating, any domestic animal, shall be fined not more than one hundred and fifty nor less than five dollars, or imprisoned not more than thirty nor less than ten days. Any one who knowingly purchases a ticket of admission to any place mentioned in this section, or is present thereat, or witnesses such spectacle, shall be deemed an aider and abettor. [29 v. 161, §§ 193, 194, S. & C. 449; 72 v. 130, §§ 7, 10, 22.]

Who deemed aiders and abettors.

#### EXPLOSIVES AND POISONS.

Manufacturing, storing, and transporting nitro-glycerine.

SEC. 23. Whoever manufactures the substance or material generally known as and called nitro-glycerine, or any compound thereof, within one hundred and sixty rods of any occupied dwelling or public building, or stores the same, in any quantity exceeding one hundred pounds, within the limits of any municipal corporation, or within one hundred and sixty rods of any occupied dwelling or public building, or transports or carries the same in any package not having written or printed, upon two sides thereof, in plain and distinct letters, the words "Nitro-glycerine—dangerous," or in any vehicle or water craft upon which any passenger is at the same time being conveyed, or in any vehicle upon the

sides and ends of which there shall not have been printed, in plain and distinct letters, large enough to occupy a space two inches wide by eighteen inches long, the words "Nitroglycerine—dangerous," shall be fined not more than one thousand dollars, or imprisoned not more than three months, or both. [68 v. 105, §§ 1, 2, 3, 4.]

SEC. 24. Whoever sells, or offers for sale, for illuminating purposes, any mineral or petroleum oil, or any fluid or substance which is a product of petroleum, or into which petroleum enters or is found as a constituent element, before he has tested the same as required by law, or sells, or offers for sale, for illuminating purposes, any such article that, at any temperature below one hundred and ten degrees Fahrenheit, under the test prescribed by law, will emit gas or vapor that will ignite, shall be fined not more than one thousand dollars, or imprisoned not more than twenty days, or both. [69 v. 102, §§ 2, 3, 4.]

Selling or offering to sell explosive oils.

SEC. 25. Whoever sells, or gives away, any quantity of arsenic less than one pound, without first mixing therewith soot or indigo in the proportion of one ounce of soot or half an-ounce of indigo to the pound of arsenic, or, except upon the prescription of a physician, sells, or gives away, any quantity of any article belonging to the class usually designated poisons, to any minor, or sells, or gives away, any such article to any person, without having first marked the word "Poison" upon the label or wrapper containing the same, and registered in a book to be by him kept for that purpose the day and date upon which it is sold or given away, the quantity thereof, the name, age, sex, and color of the person obtaining the same, the purpose for which it is required, and the name and place of abode of the person for whom the same is intended, shall be fined not more than two hundred nor less than twenty dollars. [S & C. 454, §§ 219, 220, 221, 222.]

Selling or giving away poisons.

#### BIRDS, GAME, AND FISH.

SEC. 26. Whoever, between the fifteenth day of April and fifteenth day of February following, traps, catches, kills, or pursues with such intent, on the premises of another, any muskrat, mink, or otter, or at any time deposits or places any poison outside any building for the purpose of poisoning any such animal, or other game, or at any time enters upon the premises of another, without his consent, with a view of trapping, hunting, killing, or pursuing with intent to kill any such animal, or enters upon the premises of another, without his consent, and destroys, tears down, or in any manner injures muskrat heaps or houses on such premises, shall be fined not more than twenty-five nor less than two dollars. [70 v. 52, § 1.]

Catching or killing muskrat, mink, or otter, at certain seasons.

SEC. 27. Whoever, at any time, catches, kills, or injures, or pursues with such intent, any swan, sparrow, robin, blue-

Killing or injuring certain birds.

Destroying  
or disturbing  
eggs of same  
birds.

Killing or in-  
juring cer-  
tain game  
birds at cer-  
tain times.

Destroying  
or disturbing  
eggs of same  
birds.

Discharging  
fire-arms on  
lawns, etc.

Killing wild  
deer at cer-  
tain season.

Exposing for  
sale game  
killed in vio-  
lation of law.

Prima facie  
evidence of  
unlawful  
killing.

bird, martin, thrush, mocking-bird, swallow, oriole, redbird, gross-beak, cat-bird, chewink or ground-robin, pewee or phoebe-bird, wren, cuckoo, indigo-bird, nut-hatch, creeper, yellow-bird or fringilla, yellowhammer or flicker, warbler or finch, maris, red-tart, dummock, nightingale, dove, cross-bill or crow-crake, Hungarian robin, European blackbird, great-tit blue-tit, or disturbs or destroys the eggs of any such birds, shall be fined not more than fifty nor less than two dollars, or imprisoned not more than thirty days or both. [71 v. 147, 148, §§ 1, 3]

SEC. 28. Whoever, in any place, catches, kills, or injures, or pursues with such intent, any quail or prairie chicken before the fifteenth day of November, one thousand eight hundred and seventy-seven, or, after said date, between the first day of January and the first day of November, inclusive, or any wild turkey between the fifteenth day of January and the first day of November, inclusive, or any ruffed grouse or pheasant, or blue-winged teal, between the first day of January and the first day of September, inclusive, or any mallard or wood-duck, or other wild duck, between the first day of April and the first day of September, inclusive, or any woodcock between the first day of January and the fourth day of July, inclusive, or catches, by snare or trap, any quail or Virginia partridge, or, upon any waters, bays, rivers, marshes, mud-flats, or in any cover to which wild fowl resort, by the aid or use of any swivel or punt-gun, or any other gun than a common shoulder-gun, or by the aid of any push-boat, or sneak-boat, used for carrying such swivel or punt-gun, kills or wounds, or pursues with such intent, any wild goose, wild duck, or brant, or disturbs or destroys the eggs of any such birds, shall be fined not more than twenty-five nor less than two dollars, or be imprisoned not more than thirty days, or both. [73 v. 216, § 2; 71 v. 148, § 3.]

SEC. 29. Whoever discharges any fire-arms on any lawn, park, pleasure-ground, orchard, or any other ground directly appurtenant to, or within gunshot of, any occupied dwelling-house, the property of another, or any charitable institution, shall be fined not more than twenty nor less than five dollars, or imprisoned not more than thirty days, or both. [71 v. 148, § 4.]

SEC. 30. Whoever kills any wild deer at any time except between the twentieth day of September and the first day of November shall be fined not more than fifty nor less than ten dollars, or imprisoned not more than thirty days, or both. [73 v. 119, § 7.]

SEC. 31. Whoever purchases, or exposes to sale, any of the birds or game mentioned in sections twenty-seven, twenty-eight, and thirty of this chapter, caught or killed during the time when the killing thereof is made penal, shall be fined not more twenty-five nor less than two dollars, or imprisoned not more than thirty days, or both; and the exposure for sale of any such birds or game during the time

aforesaid, shall be prima facie evidence that the same was unlawfully killed within the state. [71 v. 149, §§ 8, 9.]

SEC. 32. Whoever kills, maims, or discharges any fire-arms at, any wild pigeon while on its nesting ground, or at its roostings, or breaks up, or in any manner disturbs, any pigeon-roost or nesting, or the birds therein, or discharges any fire-arms at any wild pigeon within one-half mile of any pigeon roosting or nesting place, or disturbs or destroys any pigeon eggs or nestlings, shall be fined not more than fifty dollars, or imprisoned not more than thirty nor less than three days, or both. [73 v. 23, § 1.]

SEC. 33. Whoever, having received verbal or written notice from any owner of inclosed and improved lands, or any lands, the boundaries of which are defined by stakes, posts, water-courses, ditches, or marked trees, his agent, or a person in charge thereof, not to hunt thereon, shoots at, kills, or pursues with such intent, on such lands, any of the birds or game mentioned in sections twenty-seven, twenty-eight, and thirty of this chapter, and whoever shoots at, kills, or pursues with such intent, any of such birds or game on the lands of another upon which there is set up, in some conspicuous place, a board inscribed in legible English characters thus, "No shooting or hunting allowed on these premises," or pulls down or defaces any such board, or the letters thereon, shall be fined not more than twenty-five nor less than five dollars, or imprisoned not more than thirty nor less than five days, or both. [71 v. 149, § 6; 73 v. 217, § 5.]

SEC. 34. Whoever, upon the premises of another, uses or employs, or attempts to use or employ, ferrets for the purpose of catching rabbits, or driving them from their burrows or hiding places, shall be fined for the first offense not more than twenty nor less than five dollars, and for any subsequent offense not more than one hundred nor less than fifty dollars. [71 v. 32, §§ 1, 2.]

SEC. 35. Whoever, except at points in the waters of this state below the common level at high or back water of Lake Erie, and except also in the waters of any natural or artificial lake, pond, or reservoir, lying wholly within this state, and having a surface not exceeding eighteen thousand nor less than ten acres, injures, or kills, or catches in any other way than by hook and line, any fish, except minnows, or owns or possesses any fish-pound or fish-trap in or connected with any water-course, natural or artificial, or catches, interferes with or, in any manner maliciously disturbs any fish in any private fish-pond having a surface not exceeding ten acres, shall be fined not more than fifty nor less than ten dollars, or imprisoned not more than thirty days, or both. [68 v. 42, §§ 2, 5; 72 v. 176, §§ 1, 2.]

SEC. 36. An officer elected or appointed to an office of trust or profit in this state, and an agent, clerk, servant, or employé of such officer, or of a board of such officers, who, while acting as such officer, agent, clerk, servant, or employé, shall

Killing or disturbing wild pigeons at roosting or nesting places.

Shooting or hunting on lands of another.

Pulling down or defacing notices not to shoot on lands.

Ferrets not to be used to catch rabbits.

Killing or catching fish except by hook and line.

Catching fish in private ponds.

Officer or agent of state who is interested in contracts for use of state.

become, directly or indirectly, interested in any contract for the purchase of any property or fire insurance for the use of the state, county, township, city, town, or village, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [73 v. 86, § 21; 73 v. 31, § 22; 73 v. 43, § 34.]

**Frauds by  
superintend-  
ents of pub-  
lic work.**

**SEC. 37.** An officer, or a person appointed or employed by an officer, or by a board of officers, whose duty it is, by law, or by virtue of his employment, to superintend the erection, enlargement, repair, or improvement of any public structure, or of any part thereof, or to make any plan, or specification of materials or labor therefor, or to estimate the cost thereof, or the amount of labor done on or materials furnished for the same, who knowingly makes an incomplete or fraudulent plan, specification, or estimate of cost, or any false estimate of labor done or material furnished, or knowingly permits any work to be done in any other manner than in accordance with the plans and specifications, or with material different from that required thereby, and every contractor to do any such work, or his agent, who knowingly permits materials to be used therein, or work to be done thereon, different from the plans and specifications, and in violation of the contract of such contractor, shall be imprisoned in the penitentiary not more than five years nor less than one year. [66 v. 57, § 15; 70 v. 105, § 10.]

**County audi-  
tor failing to  
report to  
state audi-  
tor.**

**SEC. 38.** A county auditor who fails to make and transmit to the auditor of state, within the time required by law, any return or report which he is by law required to make to the auditor of state, shall be fined one hundred dollars. [67 v. 107, § 24.]

**County audi-  
tor failing to  
make settle-  
ment, etc.**

**SEC. 39.** A county auditor who refuses or neglects to make any settlement with the county treasurer according to law, or willfully fails to perform any other duty required of him by law, shall be fined in any sum not more than two thousand dollars, and shall forfeit his office. [67 v. 106, § 20.]

**Fraudulent  
entry of tax  
omissions by  
county audi-  
tor.**

**SEC. 40.** A county auditor who fraudulently places upon the duplicate of any county, as a tax omission, any assessment reported to him by any ward or township assessor, which is made to such assessor prior to the third Monday of May, annually, by any tax-payer, or any assessment made by any board of equalization, or the amount of any return made by any corporation, joint stock company, or other person or party required by law to make return to the auditor direct, or who conspires with any such assessor to increase the number or amount of tax omissions, shall be deemed guilty of having embezzled the amount of such assessment or tax, and shall be punished as for the larceny of the like sum. [73 v. 221, § 2.]

**County re-  
corder re-  
cording plats  
before ap-  
proval.**

**SEC. 41.** A county recorder who records any map or plan of any subdivision of any lot or grounds in any municipal corporation before the same has indorsed thereon the certifi-

case of the engineer of such corporation, or is approved by the council thereof, as required by law, shall be fined not more than five hundred nor less than one hundred dollars. [73 v. 61, § 3.]

SEC. 42. A member of a board of education organized under any law of this state who accepts or receives any compensation for his services as such member except as clerk of such board shall be deemed guilty of embezzlement of the amount so received, and punished accordingly. [70 v. 214, § 67.]

SEC. 43. An officer or member of the council of any municipal corporation who is interested, directly or indirectly, in the profits of any contract, job, work, or services for the corporation, or acts as commissioner, architect, superintendent, or engineer, in any work undertaken or prosecuted by the corporation during the term for which he was elected or appointed, or for one year thereafter, shall be fined not more than one thousand nor less than five hundred dollars, or imprisoned not more than six months nor less than thirty days, or both, and shall forfeit his office. [66 v. 164, § 92.]

SEC. 44. A justice of the peace who fails, on the first Monday of April in each year, to make out two certified lists of all causes on his docket, civil and criminal, in which money has been paid, and remained in his hands for a period of one year or more, designating the amount, and to whom the same may be payable, or on or before the next succeeding Monday to set up in some conspicuous place in his office one of said lists, and the other in the office of the clerk of common pleas court of his county; and a justice of the peace retired from office, whether by expiration of term without reelection, by resignation, or otherwise, who fails within one week after so retiring to make out two like lists, but containing all causes in which money has been paid, and remained in his hands, without reference to the time when the same was received, or fails, within one week thereafter, to set up in some conspicuous place in the office of the justice of the peace with whom he is required to deposit his civil docket one of said lists, and the other in the office of said clerk of court, shall be fined not more than fifty nor less than ten dollars. [70 v. 296-7, §§ 1, 3.]

#### MISCELLANEOUS.

SEC. 45. Whoever harbors or conceals any thief or robber, knowing him to be such, shall be imprisoned in the penitentiary not more than seven years nor less than one year. [33 v. 33, § 26; S. & C. 412.]

SEC. 46. A person in charge of a locomotive engine upon any railroad who fails to bring the engine, with the train, if any, thereto attached, to a full stop at least two hundred feet before arriving at any railroad crossing or connection, or crosses the same before signaled by the watchman to cross, or before the way is clear, or, when approaching any road-crossing, fails to sound the engine whistle at a distance of

Members of boards of education.

Municipal officer being interested in corporation contracts, or acting as superintendent of corporation work.

Justice of the peace failing to make and set up lists of unclaimed moneys in his hands.

Harboring or concealing thief or robber.

Engineer failing to stop at railroad crossing.



Failing to  
sound whis-  
tle and bell  
at road cross-  
ings.

not more than one hundred nor less than eighty rods from such crossing, or to ring the engine bell continuously from the place aforesaid until the engine and cars attached thereto shall have passed such road-crossing, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both; or, if, by reason of a violation of this section, any person be killed, the person in charge of such engine shall be deemed guilty of manslaughter, and punished accordingly, or if any person sustain bodily injury, not producing death, the person in charge of such engine shall be imprisoned not more than twenty months nor less than one month, or fined not more than five hundred dollars, and whoever permits any car or locomotive, of which he has charge, to remain upon or across any public road, street, or alley, for a period longer than five minutes, or places any timber, or other obstruction, upon or across any such road, street, or alley, to the hindrance or inconvenience of travel thereon, shall be fined not more than twenty nor less than five dollars. [69 v. 49, §§ 1, 2; 71 v. 50, § 1.]

Riding or  
driving into  
inclosures of  
railroads,  
etc.

SEC. 47. Whoever, at any other place than at a private crossing, or for any other purpose than crossing such railroad, rides or drives any horse, or other domestic animal, into any inclosure of any railroad; and whoever knowingly permits any such animal to go into, or to remain in, any such inclosure, or places within the same any feed, salt, or other thing, to induce any such animal to enter into such inclosure, or upon the track of any such railroad; and whoever, while constructing any such private crossing, or while crossing such railroad at any private crossing, suffers any fence to remain down or open for a longer time than is necessary to construct or use such crossing, shall be fined not more than ten dollars, or imprisoned not more than thirty nor less ten days: provided, that each ten hours such animals shall be knowingly permitted to remain in said inclosure, or upon said track, shall be deemed an additional offense; and animals so being upon said track, or in such inclosure, shall not be exempt from execution for any fine or costs imposed under this section. [65 v. 194, §§ 1, 2, S. & S. 117; 72 v. 32.]

Employing  
children un-  
der fourteen  
years in  
shows, etc.

SEC. 48. Whoever takes, receives, hires, employs, uses, exhibits, or in any manner, or under any pretense, sells, apprentices, gives away, lets out, or otherwise disposes of, to any person, any child under the age of fourteen years, for or in the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire-walking, dancing, begging, or peddling, or as a gymnast, contortionist, rider, or acrobat, or for or in any obscene, indecent, or immoral purpose, exhibition, or practice, or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limbs of such child, or causes, or procures, or encourages, any such child to engage therein, or causes or permits any such child to suffer, or inflicts upon it, unjustifi-

able physical pain or mental suffering, or willfully causes or permits the life of any such child to be endangered, or its health to be injured, or such child to be placed in such situation that its life may be endangered, or its health injured, or has in custody any such child for any of the purposes aforesaid, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both. [73 v. 219, §§ 1, 2, 3, 4; 72 v. 152.]

SEC. 49. Nothing contained in the last section shall apply to or affect the employment or use of any such child as a singer or musician in any church, school, or academy, or at any concert or entertainment given for charitable purposes, or in learning the science or practice of music; and all fines imposed and collected for violations of said section, in prosecutions instituted by a duly incorporated society for the prevention of cruelty to animals, shall be paid to such society. [73 v. 219, §§ 1-6.]

SEC. 50. A person of pure white blood, who intermarries, or has illicit carnal intercourse, with any negro or person having a distinct and visible admixture of African blood, and any negro, or person having a distinct and visible admixture of African blood, who intermarries, or has illicit carnal intercourse, with any person of pure white blood, shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. [58 v. 6, § 1; S. & S. 267.]

SEC. 51. A probate judge who knowingly issues a license for the solemnization of any marriage made penal by the last section, and every person who knowingly solemnizes any such marriage, shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. [58 v. 6, § 2; S. & S. 267.]

SEC. 52. Whoever uses upon another an anæsthetic, unless at its administration, and during the whole time the person is wholly or partly under the direct influence of it, there is present a third person competent to be a witness, shall be fined not more than twenty-five nor less than five dollars. [73 v. 154, §§ 1, 2.]

SEC. 53. Whoever takes, purchases, sells, or transfers any promissory note, or other negotiable instrument, not having the words "Given for a patent right" written or printed legibly and prominently on the face of such note or instrument, above the signature thereto, knowing the consideration of such note or other instrument to consist, in whole or in part, of the right to make, use, or vend any patented invention, or invention claimed to be patented, shall be fined in any sum not more than five hundred dollars, or imprisoned not more than forty days, or both. [66 v. 93, § 2.]

SEC. 54. A male person physically able to perform manual labor, who has not made reasonable effort to procure employment, or who has refused to labor at reasonable prices, who is found in a state of vagrancy, or practicing common begging, shall be fined not more than fifty dollars, and be

When last section does not apply.

Certain fines—to whom to be paid.

Pure white not to intermarry with persons having visible admixture of African blood.

Penalty for solemnizing such marriage, or issuing license therefor.

Administering anæsthetics without the presence of a witness.

Taking or selling note for patent-right.

Vagrants—how punished.

Connecting  
river bridges  
to Ohio shore  
of Ohio river.

Tavern-  
keeper per-  
mitting riot-  
ing, drunk-  
enness, etc.,  
in his house.  
Pawnbroker  
failing to  
take out li-  
cense, or to  
keep reg-  
ister.

Keeper of  
public house  
keeping or  
permitting  
ball or nine-  
pin alley.

Suffering  
Canada this-  
tles to grow  
on land and  
vending seed  
thereof.

Firing can-  
non or ex-  
ploding gun-  
powder on  
public  
street.

Exhibiting  
puppet  
shows, etc.,  
for money.

sentenced to hard labor in the jail of the county until the fine and the costs of prosecution and accruing costs are paid; and for his labor such convict shall receive credit upon such fine and costs at the rate of seventy-five cents per day. [72 v. 165, § 1.]

SEC. 55. Whoever connects any bridge over the Ohio river with, or attaches the same to, the Ohio shore of said river, unless the same have an unbroken and continuous span of not less than four hundred feet over the main channel of said river, shall be fined ten thousand dollars. [66 v. 71, §§ 1, 2.]

SEC. 56. A tavern-keeper who permits any kind of rioting or reveling, intoxication, or drunkenness, in his house or on his premises, shall be fined not more than one hundred nor less than five dollars. [64 v. 25, § 1; S. & S. 749.]

SEC. 57. A person engaged in the business of pawnbroker, who fails to take out a license therefor, or receives and advances money upon, any property pledged, and fails to keep a register thereof, or of any property bought, as required by law, or who refuses to exhibit such register, or any property pledged, or property bought, if in his possession, to the chief of police, or to a police officer lawfully deputed to inspect the same, shall be fined not more than one hundred nor less than ten dollars. [66 v. 224, § 451.]

SEC. 58. Whoever, being the keeper of a public house, or retailer of spirituous liquors, establishes, keeps, or permits to be kept upon his lot or premises, any ball or nine-pin alley, or is interested in any ball or nine-pin alley upon the premises of another, shall be fined not more than one hundred nor less than ten dollars; and this section shall be construed to extend to any alley denominated a nine-pin alley, whether such alley is used for playing therein a greater or less number than nine pins. [21 v. 161, § 7; S. & C. 448.]

SEC. 59. Whoever knowingly vends any grass or other seed, in or among which there is any seed of the Canada thistle, white or yellow daisy, and whoever, being the owner or possessor of any land, suffers any Canada thistle to grow and ripen seed thereon, or on the highway adjoining the same, shall be fined twenty dollars. [42 v. 37, § 2; S. & C. 451.]

SEC. 60. Whoever, except in case of invasion by a foreign enemy, or to suppress insurrection or a mob, or for the purpose of raising the body of a person drowned, or for the purpose of blasting or removing rock, fires any cannon, or explodes at any time more than four ounces of gunpowder, upon any public street or highway, or nearer than ten rods to the same, shall be fined not more than fifty nor less than five dollars. [43 v. 117, § 1; S. & C. 451.]

SEC. 61. Whoever exhibits any puppet show, wire-dancing, or tumbling, juggling, or sleight-of-hand, and asks and receives any money or other property for exhibiting the same, shall be fined not more than ten dollars. [29 v. 161, § 8; S. & C. 449.]

SEC. 62. Whoever plays bullets along or across any street, in any municipal corporation, or runs any horse, or shoots or fires any gun or pistol at a target within the limits of any municipal corporation, shall be fined not more than fifty nor less than five dollars. [29 v. 161, § 6; S. & C. 448.]

Playing bullets, or running horses, or shooting, in municipal corporation.

## CHAPTER 9.

### OFFENSES AGAINST CHASTITY AND MORALITY.

#### SECTION

1. Bigamy.
2. Incest.
3. Cohabiting in a state of adultery or fornication.
4. Carnal knowledge of insane woman.
5. Seduction under promise of marriage.
6. Inducing illicit intercourse, or permitting it on his premises.
7. Houses of ill-fame a public nuisance.
8. Indecent exposure and obscene language.
9. Disposing of obscene literature, etc.
10. Sending obscene literature, etc., by mail; giving information where to obtain the same.
11. Advertising secret drugs for use of females.

#### SECTION

12. Selling or giving away secret drugs for preventing conception or procuring abortion.
13. Profane swearing.
14. Sporting, hunting, fishing, shooting, etc., on Sunday.
15. Common labor on Sunday.
16. Opening graves; disinterring bodies, unlawful delivery thereof for dissection, and concealment of same.
17. Unlawful use of bodies lawfully held for dissection.
18. Injury of grave-stones, monuments, structures, fences, trees, and ornaments in and around cemeteries.
19. Shooting on or near cemeteries.

SECTION 1. Whoever, having a husband or wife, marries another, is guilty of bigamy, and shall be imprisoned in the penitentiary not more than seven years nor less than one year. This section does not extend to any person whose husband or wife has been continually absent for five successive years next before such marriage without being known to such person to be living within that time. [33 v. 33, § 7; S. & C. 404.]

Bigamy.

SEC. 2. Persons nearer of kin by consanguinity or affinity than cousins, having knowledge of their relationship, who commit adultery or fornication together, shall be imprisoned in the penitentiary not more than ten years nor less than one year. [33 v. 33, § 8; S. & C. 405.]

Incest.

SEC. 3. Whoever cohabits with another in a state of adultery or fornication, shall be fined not more than two hundred dollars, and imprisoned not more than three months. [29 v. 144, §§ 24, 25; S. & C. 430, 431.]

Cohabiting in a state of adultery or fornication.

SEC. 4. A male person over seventeen years of age who has carnal knowledge of any insane woman, not his wife, knowing her to be insane, shall be imprisoned in the penitentiary not more than ten nor less than three years. [33 v. 33, § 6; S. & C. 404.]

Carnal knowledge of insane woman.

**Seduction under promise of marriage.**

SEC. 5. A male person over eighteen years of age who, under promise of marriage, has sexual intercourse with any female person under eighteen years of age, and of good repute for chastity, shall be imprisoned in the penitentiary not more than three years, or in the county jail not more than six months. [56 v. 158; S. & C. 452.]

**Inducing illicit intercourse or permitting it on his premises.**

SEC. 6. Whoever induces, decoys, procures, or compels any female under eighteen years of age, or causes any female over eighteen years of age, against her will, to have sexual intercourse with any person other than himself, or knowingly permits any other person to have sexual intercourse with any female of good repute for chastity, upon premises owned or controlled by him, shall be imprisoned in the penitentiary not more than three years nor less than one year. [65 v. 204; S. & S. 273.]

**House of ill-fame a public nuisance.**

SEC. 7. A house or building used or occupied as a house of ill-fame, or for the purpose of prostitution, is a public nuisance; and whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness, or lets a house to be so kept, or knowingly permits a house which he has let to be so kept, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both; and the court may order that the nuisance be abated. [53 v. 140, § 1; S. & C. 879.]

**Indecent exposure and obscene language.**

SEC. 8. Whoever, being over fourteen years of age, willfully makes any indecent exposure of his person in any public place, or in any place where there are other persons to be offended or annoyed thereby, or utters or uses any obscene or licentious language or words in the presence or hearing of any female, shall be fined not more than twenty dollars, or imprisoned not more than twenty days, or both. [59 v. 32; S. & S. 289.]

**Disposing of obscene literature, etc.**

SEC. 9. Whoever sells, or offers to sell, or gives away, or has in his possession with or without intent to sell or give away, any obscene, lewd, or indecent or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument, or article of indecent or immoral use, or instrument or article for procuring abortion, or for self-pollution, or for medicine for procuring abortion or preventing conception; or advertises the same for sale; or writes or prints any letter, circular, hand-bill, card, book, pamphlet, advertisement, or notice of any kind, or gives information, orally, stating when, how, or where, or by what means, any of the obscene, lewd, indecent, or lascivious articles or things hereinbefore mentioned can be purchased, or otherwise obtained, or are manufactured; or manufactures, or draws and exposes, or draws with intent to sell or have sold, or prints, any such articles, shall be fined not more than one thousand nor less than fifty dollars or imprisoned not more than one year, or both; but nothing in this section, or the next two sections, shall be construed to affect teaching in regularly

**Proviso as to medical books.**

chartered medical colleges, or the publication of standard medical books, or the practice of regular practitioners of medicine, or druggists in their legitimate business. [73 v. 158, § 1.]

SEC. 10. Whoever deposits in any post-office within this state, or places in charge of any person to be carried or conveyed, any of the obscene, lewd, indecent, or lascivious articles or things named in the last section, or any circular, handbill, card, advertisement, book pamphlet, or notice of any kind, or gives oral information stating where, how, or of whom such obscene, lewd, indecent, or lascivious articles or things can be purchased or otherwise obtained; or knowingly or willfully receives the same with intent to carry or convey; or knowingly carries or conveys the same in any manner (except in the United States mail), shall be fined not more than one thousand nor less than fifty dollars, or imprisoned not more than one year, or both. [73 v. 159, § 2.]

SEC. 11. Whoever prints or publishes any advertisement of any secret drug or nostrum purporting to be for the exclusive use of females, or which cautions females against their use when in a condition of pregnancy; or in any way publishes any account or description of any drug, medicine, instrument, or apparatus, for preventing conception, or for procuring abortion or miscarriage, or keeps for sale or gratuitous distribution any newspaper, circular, pamphlet, or book, containing such advertisement, account or description, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [64 v. 202, § 1; S. & S. 272.]

SEC. 12. Whoever sells, or gives away, or keeps for sale or gratuitous distribution, any secret drug or nostrum purporting to be exclusively for the use of females, or for preventing conception, or procuring abortion or miscarriage, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [64 v. 202, § 1; S. & S. 272.]

SEC. 13. Whoever, being over fourteen years of age, profanely curses or swears by the name of God, Jesus Christ, or the Holy Ghost, shall, on complaint made within ten days thereafter, be fined not more than one dollar for each offense. [29 v. 161, §§ 4, 14; S. & C. 448.]

SEC. 14. Whoever, being over fourteen years of age, engages in sporting, rioting, quarreling, hunting, fishing, or shooting, on Sunday, shall, on complaint made within ten days thereafter, be fined not more than twenty dollars, or imprisoned not more than twenty days, or both. [61 v. 104, S. & S. 289; 29 v. 161, § 14, S. & C. 448.]

SEC. 15. Whoever, being over fourteen years of age, engages in common labor on Sunday (works of necessity and charity excepted), shall, on complaint made within ten days thereafter, be fined not more than five dollars; but this section does not extend to those who conscientiously observe

Sending obscene literature, etc., by mail.

Giving information where to obtain the same.

Advertising secret drugs for use of females.

Selling or giving away secret drugs for preventing conception or procuring abortion.

Profane swearing.

Sporting, hunting, fishing, shooting, etc., on Sunday.

Common labor on Sunday.

the seventh day of the week as the Sabbath, nor shall it be construed so as to prevent families emigrating from traveling, waterman from landing their passengers, superintendents or keepers of toll bridges or toll-gates from attending the same, or ferryman from conveying travelers over waters. [61 v. 104, S. & S. 289; 29 v. 161, § 14.]

Opening graves; dis-intering bodies, unlawful delivery thereof for dissection, and concealment of same.

SEC. 16. Whoever, without lawful authority, willfully opens the grave or tomb where any corpse has been deposited, or removes any corpse from its place of sepulture, or unlawfully delivers any corpse to another for medical or surgical study, and whoever receives, conceals, or secretes any corpse so removed or delivered, or assists in any surgical or anatomical experiment or demonstration therewith, knowing it to have been so removed or delivered, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [44 v. 77, § 1, S. & C. 437; 67 v. 25, § 3.]

Unlawful use of bodies lawfully held for dissection.

SEC. 17. Whoever, being lawfully possessed of any corpse for the purpose of medical or surgical study, uses the same for any other purpose, or removes the same beyond the limits of this state, or in any manner traffics therewith, shall be imprisoned not more than one year. [67 v. 25, § 2.]

Injury of grave stones, monuments, structures, fences, trees, and ornaments in and around cemeteries.

SEC. 18. Whoever willfully injures or removes any tomb, monument, grave-stone, or other structure erected to perpetuate the memory of any deceased person, or any fence, railing, or other work, in or around any cemetery or burial place, or any tree, shrub, or plant therein, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both. [46 v. 97, § 8, S. & C. 227; 54 v. 187, § 7, S. & C. 229; 29 v. 144, § 18, S. & C. 430.]

Shooting on or near cemeteries.

SEC. 19. Whoever discharges any fire-arms upon or over any cemetery, without being authorized to do so by the officers having control thereof, or within one hundred yards of a cemetery, unless upon his own land, shall be fined not more than twenty dollars, or imprisoned not more than ten days, or both. [64 v. 48; S. & S. 69.]

## CHAPTER 10.

### OFFENSES AGAINST THE RIGHT OF SUFFRAGE.

#### SECTION

1. Offering or accepting bribes for votes, under the primary election law.
2. Attempting to intimidate electors or judges at such election.
3. Delegates offering or accepting bribes at such election.
4. Candidate at such election paying or promising bribes.

#### SECTION

5. To what elections subsequent sections applicable.
6. Bribing, corrupting, or intimidating electors.
7. Voting, not being a resident of the precinct twenty days.
8. Voting, not being a resident of the county thirty days.

## SECTION

9. Voting, not being a resident of this state.
10. Voting more than once at the same election.
11. Voting without a residence of one year; not being twenty-one years of age; not a citizen; convicted of crime and not pardoned.
12. Procuring illegal vote.
13. Procuring an elector to go or come into a county of which he is not a resident, to vote.
14. Deceiving elector who can not read.
15. Fraudulent voting.
16. Judges postponing counting, adjourning, or removing ballot-box.

## SECTION

17. Judge of election knowingly counting fraudulent votes.
18. Misconduct of officers of election.
19. Unlawfully obtaining, or attempting to obtain, possession of ballot-box or ballots.
20. Destroying, or attempting to destroy, ballot-box, ballots, or poll-books.
21. Fraudulent writing on poll-books or tally-sheets.
22. Possession of forged or altered poll-books, or tally-sheets, with fraudulent intent.
23. Marking ballots, or printing, distributing, or voting ballots unlawfully printed or written.

## PRIMARY ELECTIONS.

SECTION 1. Whoever offers any money, fee, or reward, directly or indirectly, to any elector, to influence his vote at any election held under the act of 1871, 68 v. 27, and the acts supplementary and amendatory, relating to primary elections, etc.; and an elector who accepts any money, fee, or reward for his vote at any such election, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned not more than six months nor less than one month, and shall be disqualified from thereafter voting at any such election. [68 v. 29, § 6.]

Offering or accepting bribes for votes, under the primary election law.

SEC. 2. Whoever, by threats, or otherwise, attempts to intimidate any elector, or any supervisor or judge of any election held under the acts mentioned in the last section, or in any manner interferes with or disturbs any such election, shall be fined not more than one hundred dollars, and imprisoned not more than thirty nor less than twenty days. [68 v. 29, § 6.]

Attempting to intimidate electors or judges at such election.

SEC. 3. A delegate to any convention held under the acts named in section one of this [chapter], who asks or receives, either directly or indirectly, any money, or other property whatsoever, from any candidate for nomination to any office whatsoever, shall be fined not more than two hundred and fifty nor less than fifty dollars, and imprisoned not more than three months nor less than one month, and disqualified from thereafter voting or being nominated at any such election or convention. [71 v. 114, § 8.]

Delegates offering or accepting bribes at such election.

SEC. 4. A candidate for nomination to any office, before any convention held under the acts named in section one of this chapter, who pays, or promises to pay, directly or indirectly, any money or property, to any delegate, for the purpose of obtaining his influence or vote for such nomination in such convention, shall be fined not more than five hundred nor less than one hundred dollars, and, if nominated and elected to such office, shall be ineligible to hold the same,

Candidate at such election paying or promising bribes.



and shall be disqualified from voting or being nominated at any such election or convention. [71 v. 114, § 9.]

#### PUBLIC ELECTIONS.

To what elections subsequent sections applicable.

Bribing, corrupting, or intimidating electors.

Voting, not being a resident of the precinct twenty days.

Voting, not being a resident of the county thirty days.

Voting, not being a resident of this state.

Voting more than once at the same election.

Voting without a residence of one year; not being twenty-one years of age; not a citizen; convicted of crime and not pardoned.

Procuring illegal vote.

SEC. 5. The subsequent sections of this chapter apply to all public elections authorized by the laws of this state. [51 v. 421, § 1; S. & C. 543.]

SEC. 6. Whoever gives, offers, or promises any thing to any elector, to influence him in giving his vote or ballot, or uses any threat or force to procure any such elector to vote contrary to his inclination, or to deter him from giving his vote or ballot, shall be fined not more than five hundred dollars, and imprisoned not more than six months; and, if a candidate, and elected to any office, he may be removed from such office by order of the court. [50 v. 311 § 38, S. & C. 540; 39 v. 13, § 11, S. & C. 545.]

SEC. 7. Whoever votes in any election precinct in which he has not actually resided for twenty days next preceding the election, or into which he shall have come for temporary purposes merely, shall be fined not more than five hundred nor less than two hundred dollars, or imprisoned not more than six nor less than three months. [73 v. 155, § 4]

SEC. 8. Whoever, being a resident of this state, votes in any county in which he has not been an actual resident for thirty days next preceding the election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [65 v. 100, § 5; S. & S. 342.]

SEC. 9. Whoever, being a resident of another state, votes at any election in this state, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 7; S. & C. 544.]

SEC. 10. Whoever votes more than once at the same election, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 6; S. & C. 544.]

SEC. 11. Whoever votes at any election, not having been a resident of this state for one year immediately preceding the election, or not being twenty-one years of age, knowing that he is not of full age, or not being a citizen of the United States, knowing that he is not such citizen, or being disqualified by a conviction of crime, and not pardoned and restored to all the rights of a citizen, shall be imprisoned not more than six months nor less than one month. [39 v. 13, § 8; S. & C. 544.]

SEC. 12. Whoever counsels or advises another to give his vote, knowing that he has not been a resident of this state for one year immediately preceding the election, or that at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, or that, by reason of other disability, he is not duly qualified to vote at the place where, or the time when, the vote is to be given, shall be fined not more than five hundred nor less than one hun-

dred dollars, and imprisoned not more than six months nor less than one month. [39 v. 13, § 9; S. & C. 544.]

SEC. 13. Whoever procures, aids, assists, counsels, or advises another to go or come into any county for the purpose of giving his vote in such county, knowing that the person is not duly qualified to vote in such county, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 10; S. & C. 544.]

SEC. 14. Whoever furnishes an elector who can not read, with a ticket, informing him that it contains a name different from those which are written or printed thereon, with intent to induce him to vote contrary to his inclination, or fraudulently or deceitfully changes the ballot of any elector, by which such elector is prevented from voting for such candidate as he intended, shall be imprisoned in the penitentiary not more than three years nor less than one year. [39 v. 13, § 12; S. & C. 545.]

SEC. 15. Whoever, either before or after the proclamation is made of the opening of the polls, fraudulently puts a ballot or ticket into the ballot-box, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 52, § 21.]

SEC. 16. A judge of any election who, after the counting of votes commences as required by law, postpones the counting of votes cast at such election, or adjourns for any time or to any place, or removes the ballot-box from the place of voting or from the custody or presence of all the judges of such election, shall be fined not more than one thousand nor less than one hundred dollars, and imprisoned not more than ten days. [69 v. 58, §§ 1, 2.]

SEC. 17. A judge of any election who knowingly permits any ballot or ticket, fraudulently placed in the ballot-box, if the same can be designated, to be counted with the legal votes cast at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 52, § 21.]

SEC. 18. A judge of an election who knowingly receives or sanctions the reception of a vote from any person not having all the qualifications of an elector prescribed by law, or receives, or sanctions the reception of, a ballot from any person who refuses to answer any question put to him in accordance with the requirements of the laws of this state relating to elections, or refuses to take the oath prescribed by the laws aforesaid, or refuses, or sanctions the refusal of any other judge of the election board to which he belongs, to administer any oath required by the laws aforesaid to be administered, or refuses to receive, or sanctions the rejection of, a ballot from any person, knowing him to have all the qualifications of an elector prescribed by law; and a judge or clerk of an election, on whom any duty is enjoined by the laws of this state relating to elections, who willfully neglects any such duty, or is guilty of any corrupt conduct in the

Procuring an elector to go or come into a county of which he is not a resident, to vote.

Deceiving elector who can not read.

Fraudulent voting.

Judges postponing counting, adjourning, or removing ballot-box.

Judges of election knowingly counting fraudulent votes.

Misconduct of officers of election.

execution of the same, shall be fined not more than one thousand nor less than three hundred dollars, and imprisoned not more than six nor less than three months. [73 v. 157.]

Unlawfully obtaining, or attempting to obtain, possession of ballot-box or ballots.

SEC. 19. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains, or attempts to obtain, possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out of such ballot-box and enumerated by the judges of election according to law, shall be imprisoned in the penitentiary not more than three years nor less than one year. [53 v. 59, §§ 1, 3; S. & C. 548.]

Destroying, or attempting to destroy, ballot-box, ballots, or poll-books.

SEC. 20. Whoever unlawfully destroys, or attempts to destroy, any ballot-box used, any ballot or vote deposited, or any poll-book kept at any election, shall be imprisoned in the penitentiary not more than five years nor less than one year. [53 v. 59, §§ 2, 3; S. & C. 548.]

Fraudulent writing on poll-books or tally-sheets.

SEC. 21. Whoever willfully, and with fraudulent intent, inscribes, writes, or causes to be inscribed or written, in or upon any poll-book, tally-sheet, or list, lawfully made or kept at any election, or in or upon any book or paper purporting to be such, or upon any election returns, or upon any book or paper containing the same, the name of any person not entitled to vote at such election, or not voting thereat, or any fictitious name, with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 51, § 1.]

Possession of forged or altered poll-books or tally-sheets with fraudulent intent.

SEC. 22. Whoever has in his possession any falsely made, altered, forged, or counterfeited poll-book, tally-sheet, or list, or election returns, of any election, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to hinder, defeat, or prevent a fair expression of the popular will at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 51, § 2.]

Marking ballots, or printing, distributing, or voting ballots unlawfully printed or written.

SEC. 23. Whoever, at any election, marks the ballot of any elector, or nands a marked ballot to him to vote, with intent to ascertain how he voted, or prints for distribution any ballot contrary to the provisions of law; or distributes to an elector, or knowingly votes, any ballot printed or written contrary to the provisions of law, shall be fined not more than fifty dollars, and imprisoned not more than ten days. [65 v. 138, § 3, S. & S. 343; 71 v. 31, § 2.]

## CHAPTER 11.

## FRAUDS, FORGERY, AND COUNTERFEITING.

## SECTION

1. Selling by false weights.
2. Selling articles having forged stamp, brand or label affixed.
3. Selling stone-coal otherwise than by the prescribed weights or measures.
4. Failure to mark weights on packages; fraudulent transfer of brands; fraudulent repacking of branded packages.
5. Using vessel with private stamp affixed.
6. Making out and presenting false claims to public officers.
7. Obtaining property or signature by false pretense.
8. False statement by medical examiner of insurance company.
9. Selling or conveying land without title.
10. Making fraudulent transfers to defeat creditors.
11. Adulterating domestic wines.
12. Fraudulently obtaining money from insurance company.
13. False or fictitious bills of lading.
14. False or fictitious warehouse receipts.
15. Frauds of owners on consignees.
16. Sending letters, etc., to fraudulently obtain money.
17. Frauds in sale of milk, and in manufacture and sale of cheese and butter.
18. Forging or altering note, bond, lease, will, bank bill or note, etc.; uttering or publishing same.
19. Fraudulent use of fac-simile signature of governor.

## SECTION

20. Forging or altering railroad and toll-bridge tickets, checks, etc.; having in possession or uttering same.
21. Restoring canceled checks, etc.; having same in possession, offering for sale, etc.; selling tickets, etc., which should have been canceled; conductors purposely failing to cancel tickets, etc.
22. Altering public documents.
23. Forging brand, stamp, label, or trademark.
24. Having brand, label, etc., in possession, to use fraudulently; fraudulently using genuine brand, stamp, etc.
25. Counterfeiting coins; uttering or putting off such coins, or making or keeping instruments to counterfeit coin.
26. Gilding current coin.
27. Counterfeiting issues of the United States; passing, or having in possession and concealing same with intent to pass.
28. Printing from genuine plates, except for use of United States; engraving, selling, bringing into state, or having in possession, counterfeit plate; making, bringing into state, or selling prints or impressions of issues of United States, except for its use.
29. Engraving or keeping plate for counterfeiting or altering bank bills.
30. Having in possession, or disposing of, counterfeit coin, or counterfeit or fictitious bank notes.
31. Attempting to pass counterfeit coin or bank note.

## FRAUDS.

SECTION 1. Whoever knowingly sells, or directs or permits any person in his employ to sell, any property, and makes or gives any false or short weight or measure; and any person owning or having charge of any scales or steelyards for the purpose of weighing any property, who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both. [66 v. 27, § 1.]

Selling by  
false  
weights.

**Selling articles having forged stamp, brand, or label affixed.**

**SEC. 2.** Whoever vends, or keeps for sale, any goods, merchandise, mixture, or preparation, upon which any forged or counterfeit stamp, brand, imprint, wrapper, label, or trade-mark is placed or affixed, and intended to represent the said goods, merchandise, mixture, or preparation, as the true and genuine goods, merchandise, mixture, or preparation of any other person, knowing the same to be counterfeit, shall be fined not more than one hundred dollars. [56 v. 86, § 3; S. & C. 455.]

**Selling stone-coal otherwise than by the prescribed weights or measures.**

**SEC. 3.** Whoever sells and delivers any stone-coal, except at the weights and measures prescribed by law, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than thirty nor less than five days. [72 v. 15, § 3.]

**Failure to mark weights on packages.**

**SEC. 4.** Whoever puts up or packs any goods or articles sold by weight, into any case or package, and fails or omits to mark thereon the gross, tare, and net weights thereof, in pounds and fractions of pounds; or, with intent to defraud, in any way transfers any brand, mark, or stamp, put upon any case or package by any manufacturer, to any other case or package; or, with the like intent, repacks any case or package marked with the brand, mark, or stamp of any manufacturer, with goods or articles of a quality inferior to the goods or articles of that manufacturer, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [53 v. 69, §§ 2, 3, S. & C. 456; 62 v. 145, § 1, S. & S. 286.]

**Fraudulent transfer of brands.**

**Fraudulent repacking of branded packages.**

**Using vessel with private stamp affixed.**

**SEC. 5.** Whoever puts into any barrel, cask, or other vessel, having the private stamp, brand, wrapper, label, or trade-mark usually affixed by any maker of wine from grapes grown within the state of Ohio, adulterated liquors, for the purpose of deceiving any person by the sale thereof, shall be fined not more than one hundred dollars, or imprisoned not more than twelve nor less than three months, or both. [62 v. 179, § 3; S. & S. 286.]

**Making out and presenting false claims to public officers.**

**SEC. 6.** Whoever, knowing the same to be false or fraudulent, makes out or presents for payment, or certifies as correct, to the general assembly, or either house thereof, or any committee thereof, or to the auditor of state, other state officer, or board of officers, or to the auditor or commissioners, or other officers, of any county, or to the auditor or other accounting officer of any municipal corporation, or to any township trustees, or other township officer, any claim, bill, note, bond, account, pay-roll, or other evidence of indebtedness, false or fraudulent, in whole or in part, for the purpose of procuring the allowance of the same, or an order for the payment thereof out of the treasury of said state, county, township, or municipal corporation; and whoever, knowing the same to be false and fraudulent, receives payment of any such claim, account, bill, note, bond, pay-roll, voucher, or other evidence of indebtedness, from the treasurer of the state, or of any county, township, or municipal corporation,

shall, if such evidence of indebtedness so made out and presented, or certified, or of which payment is received, is false or fraudulent to the amount of thirty-five dollars or more, be imprisoned in the penitentiary not more than ten years nor less than one year, or, if false or fraudulent to an amount less than that sum, be fined not more than two hundred dollars, or imprisoned not more than thirty days, or both. [69 v. 193, § 1.]

SEC. 7. Whoever, by any false pretense, with intent to defraud, obtains from any person any thing of value, or procures the signature of any person, as maker, indorser, or guarantor thereof, to any bill, bond, receipt, promissory note, draft, check, or any other evidence of indebtedness, shall, if the value of the property, or instrument procured to be signed, is thirty-five dollars or more, be imprisoned in the penitentiary not more than three years nor less than one year, or, if the value is less than that sum, be fined not more than one hundred nor less than ten dollars, or imprisoned not more than sixty nor less than ten days, or both. [70 v. 39, § 1; 73 v. 86, § 21; 73 v. 31, § 22.]

SEC. 8. A medical examiner for any life insurance company, or for any person seeking insurance therein, who knowingly makes any false statement or report to such company, or any officer thereof, concerning the health or bodily condition of any applicant for insurance, or concerning any other matter or thing which might affect the granting of such insurance, shall be fined not more than five hundred dollars, or imprisoned not more than three months. [69 v. 159, § 31.]

SEC. 9. Whoever knowingly sells or conveys any land, or any interest therein, without having title to the same, either in law or equity, by descent, devise, written contract, or deed of conveyance, with intent to defraud, shall be imprisoned in the penitentiary not more than seven years nor less than one year. [33 v. 33, § 33; S. & C. 415.]

SEC. 10. Whoever fraudulently makes or transfers any bond, bill, deed of sale, gift, grant, or other conveyance, to defeat his creditors of their just demands, shall be fined in any sum not more than five hundred nor less than twenty dollars, or imprisoned not more than ten days, or both. [70 v. 40, § 2.]

SEC. 11. Whoever adulterates any wine made, or juice expressed, from grapes grown within the state of Ohio, by mixing therewith any drugs, chemicals, cider, whisky, or other liquor; and whoever sells, or offers to sell, any such adulterated wine or grape juice, knowing the same to be adulterated, shall be fined in any sum not more than three hundred nor less than fifty dollars. [62 v. 179, § 1; S. & S. 286.]

SEC. 12. Whoever obtains, or attempts to obtain, from any life or accident insurance company, any sum of money, or any policy of life or accident insurance issued by any

Obtaining property or signature by false pretense.

False statement by medical examiner of insurance company.

Selling or conveying land without title.

Making fraudulent transfers to defeat creditors.

Adulterating domestic wines.

Fraudulently obtaining money from insurance companies.

company in this state, by falsely and fraudulently representing the person insured to be dead; or procures any policy of insurance to be issued to or in any fictitious or assumed name, and falsely represents the fictitious person so insured to be dead, and thereby obtains, or attempts to obtain, from such company, the amount of such insurance, or any part thereof; or obtains insurance upon the life of any person not himself actually applying for such insurance, or attempts to obtain insurance upon another's life for his benefit at the death of any such person without the knowledge of such person to be insured; or falsely obtains or attempts to obtain, from any such company, any sum of money, upon any policy of such company, by means of any false and fraudulent written representation or affidavit that the person whose life was insured is dead, or that the person insured against accident is injured, shall, if the sum obtained, or attempted to be obtained, is thirty-five dollars or more, be imprisoned in the penitentiary not more than fifteen years, or if said sum is less than that amount, be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [64 v. 229, § 1; S. & S. 273.]

False or fictitious bills of lading.

SEC. 13. Whoever executes and delivers to any person any false or fictitious bill of lading, receipt, schedule, invoice, or other written instrument, to the purport or effect that any property usually transported by carriers had been or was held, delivered, received, or deposited on board of any steamboat or water-craft navigating the waters in or bordering upon the state of Ohio, or at the freight office, dépôt, station, or other place designated or used by any railroad company, or other common carrier, for the reception of any such property, when such property was not held, or had not, in fact and in good faith, been delivered, received, or deposited on board such steamboat, or other water-craft, or at such place, at the time such written instrument was made and delivered, with intent to defraud; or indorses, assigns, transfers, or puts off, or attempts to indorse, assign, transfer, or put off, any such false or fictitious bill of lading, receipt, invoice, schedule, or other written instrument, knowing the same to be false, fraudulent, or fictitious, shall be imprisoned in the penitentiary not more than four years nor less than one year. [50 v. 132, § 1; S. & C. 422.]

False or fictitious warehouse receipts.

SEC. 14. Whoever executes and delivers to any person any false or fictitious warehouse receipt, acknowledgment, or other instrument of writing, to the purport and effect that any person held or had received in store, or held or had received in any warehouse, or in any other place, or held or had received into possession, custody, or control, any goods, wares, or merchandise, when such goods, wares, or merchandise were not held, or had not been received, in good faith, by such person, with intent to defraud; or indorses, assigns, transfers, or delivers, or attempts to indorse, transfer, or deliver to any person, any such false or fictitious warehouse

receipt, acknowledgment, or instrument of writing, knowing the same to be false, fraudulent, or fictitious, shall be imprisoned in the penitentiary not more than three years nor less than one year. [50 v. 132, § 2; S. & C. 423.]

SEC. 15. A person in whose name any property has been shipped or delivered to any warehouse-keeper, or other factor or agent, to be shipped, who receives from the consignee thereof any advancement thereon of money, or any negotiable security, and who, with intent to defraud, and without the consent of such consignee, disposes of such property in any other way, than as he agreed with the consignee at the time of such advancement, shall be imprisoned in the penitentiary not more than three years nor less than one year; but this section shall not extend to any person who, before disposing of any such property, pays or offers to pay to the consignee thereof the full amount of his advancement made thereon. [44 v. 34, § 2; S. & C. 422.]

Frauds of  
owners on  
consignees.

SEC. 16. Whoever writes or prints the whole or any part of any letter, telegram, or other instrument, or sends, in any manner, any letter, telegram, or other instrument, to any person in this state or elsewhere, with intent to obtain from any person anything of value, and to wrong and defraud any person shall, if the value of the property intended to be obtained is thirty-five dollars or more, be imprisoned in the penitentiary not more than five years nor less than one year, or, if the value is less than that sum, be imprisoned not more than sixty nor less than ten days, or both. [73 v. 19, § 1.]

Sending let-  
ters, etc., to  
fraudulently  
obtain  
money.

SEC. 17. Whoever knowingly sells to any person, or delivers or carries to any cheese or butter manufactory to be manufactured, any milk diluted with water, or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from which part known as "strippings" has been withheld, with intent to defraud, or which is the product of any diseased animal, or knowingly sells cheese or butter manufactured from milk which is the product of any diseased animal, or knowingly uses any poisonous or deleterious material in the manufacture of cheese or butter, or knowingly keeps or renders any false account of the quantity or weight of milk furnished at any such manufactory to be manufactured, or sold to any manufacturer, or knowingly offers for sale any butter or cheese manufactured from or by the use of "Oleomargarine," so called, unless the package containing the same shall be distinctly marked "Oleomargarine," shall be fined not more than five hundred nor less than twenty-five dollars, or imprisoned not more than twenty nor less than ten days, or both. [71 v. 17, § 1.]

Frauds in  
the sale of  
milk, etc.

#### FORGERY.

SEC. 18. Whoever falsely makes, alters, forges, counterfeits, prints, or photographs any record, or other authentic matter, of a public nature, or any license or certificate au-



Forging or altering note, bond, lease, will, bank bill or note, etc.

thorized by the laws of this state, or any charter, letters patent, deed, lease, writing obligatory, will, testament, annuity, bond, covenant, bank bill or note, check, bill of exchange, contract, or promissory note for the payment of money or other property, or any acceptance of a bill of exchange, or the number of any principal sum of any accountable receipt for any note, or any order, warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or any acquittance or receipt either for money or goods, or any acquittance, release, or discharge of any debt, account, action, suit, demand, or other thing, real or personal, or any plat, draft, or survey of land, or transfer or assurance of money, stock, goods, chattels, or other property whatever, or any letter of attorney, or any power to receive money, or to receive and transfer stock or annuities, or to let, lease, dispose of, alien, or convey, any goods or chattels, lands or tenements, or other estate, real or personal, or any bill, order, or warrant drawn by any auditor for the payment of money at any public treasury, with intent to defraud; or utters or publishes as true and genuine any such false, altered, forged, counterfeited, falsely printed, or photographed matter, knowing the same to be false, altered, forged, counterfeited, falsely printed, or photographed, with intent to defraud, is guilty of forgery, and shall be imprisoned in the penitentiary not more than twenty years nor less than one year. [73 v. 59, § 1.]

Uttering or publishing same.

Fraudulent use of fac-simile signature of governor.

SEC. 19. Whoever, with intent to defraud, uses, utters, or publishes, or attempts to use, utter, or publish, any document, deed, or paper, purporting to be of an official or public character, and to be signed by the governor by means of a stamp or press engraved with and imprinting a fac-simile of his sign-manual, knowing such signature to have been affixed thereto falsely, and without the authority of the governor, shall be deemed guilty of forgery, and punished accordingly. [71 v. 3, §§ 1, 2.]

Forging or altering railroad and toll-bridge tickets, checks, etc.

SEC. 20. Whoever counterfeits, forges, or alters any ticket, check, order, coupon, receipt for fare, or pass, printed, written, lithographed, or engraved, issued by any railroad company authorized to run or operate a railroad or street railroad within the state of Ohio, or by any toll-bridge company authorized to build or maintain any toll-bridge over the Ohio river, or across any other river in the state of Ohio, or by the owner, agent, lessee, manager, or keeper of any such railroad or bridge, and designed to entitle the holder to ride on the cars of such road, or pass over such bridge; or knowingly has in his possession, or utters, publishes, or puts in circulation, any such counterfeit, forged, or altered ticket, check, order, coupon, receipt for fare, or pass, with intent to defraud, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [64 v. 128, § 8, S. & S. 57; 66 v. 90, § 1; 70 v. 156, § 1.]

Having in possession or uttering same.

SEC. 21. Whoever, for the purpose of restoring to its orig-

inal appearance, or to its nominal value, in whole or in part, at the time the same was issued, by any process, means, or device whatsoever, removes, conceals, fills up, or obliterates the cuts, marks, punch-holes, or other evidence of cancellation, from or in any ticket, check, order, coupon, receipt for fare, or pass, issued by any railroad, street railroad, or toll-bridge company, or owner, lessee, agent, manager, or keeper of such railroad or bridge, designed to entitle the holder to ride on the cars of such railroad, or to pass over the bridge of such company, which had theretofore been canceled, in whole or in part, with intent to dispose of, by sale or gift, or to circulate the same, or with intent to defraud; or has in his possession, or offers for sale, or offers in payment of fare on such road or bridge, any such ticket, check, order, coupon, or pass, knowing the same to have been restored, in whole or in part, or to have been canceled; or knowingly sells, offers for sale, or uses, any ticket, coupon, receipt, or pass, issued as aforesaid, which should have been canceled; and whoever, being a conductor of any such company, or keeper of any such bridge, purposely fails to cancel any ticket, receipt, pass, or coupon, issued as aforesaid, which he has taken up, or should take up or cancel; and whoever, in any manner, trades, traffics, or deals in, or uses, any such ticket, coupon, pass, or receipt, which should have been taken up or canceled, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [64 v. 128, §§ 7, 8, S. & S 57; 66 v. 99, § 1; 70 v. 156, § 2.]

Restoring  
canceled  
checks, etc.

Having same  
in possession,  
offering  
for sale, etc.

Selling tick-  
ets, etc.,  
which should  
have been  
canceled.

Conductors  
purposely  
failing to  
cancel tick-  
et, et :

Altering  
public docu-  
ments.

Forging  
brand,  
stamp, label,  
or trade-  
mark.

SEC. 22. Whoever maliciously alters, defaces, mutilates, destroys, abstracts, or conceals, the whole or any part of any record authorized to be made by any law of this state, of or pertaining to any court, justice of the peace, or any state, county, township, or municipal office or officer, or any other public record so authorized, or any paper or writing duly filed with, in, or by any such court, office, or officer, shall be fined not more than three hundred dollars, or imprisoned not more than three months, or both. [67 v. 17, § 1]

SEC. 23. Whoever willfully forges or counterfeits any representation, likeness, similitude, copy, or imitation of the private brand, wrapper, label, or trade-mark usually affixed by any person to or upon the goods, wares, merchandise, preparation, or mixture of such person, or by any maker of wine from grapes grown within this state, to the bottles or casks used by him to contain the same, with intent to pass off any work, goods, manufacture, wine, compound, preparation, or mixture, to which such forged or counterfeit representation, likeness, similitude, copy, or imitation is affixed, or intended to be affixed, as the work, goods, manufacture, wine, compound, preparation, or mixture of such person, shall be fined not more than five hundred dollars, or imprisoned not more than twelve months, or both. [56 v. 86, § 1, S. & C. 454; 62 v. 179, § 2, S. & S. 286.]

SEC. 24. Whoever has in his possession any die, plate,

Having brand, label, etc., in possession, to use fraudulently.

Fraudulently using genuine brand, stamp, etc.

Counterfeiting coins; uttering or putting off such coins, or making or keeping instruments to counterfeit coin.

Gilding current coin.

Counterfeiting issues of the United States.

Passing or having in possession and concealing same, with intent to pass, etc.

brand, engraving, printed label, stamp, imprint, wrapper, or trade-mark, or any representation, likeness, similitude, copy, or imitation thereof, usually affixed by any person to or upon articles made, manufactured, prepared, or compounded by him, for the purpose of making impressions, or selling the same when made, or using the same upon any other articles made, manufactured, prepared, or compounded, and passing the same off upon the community as the original goods, manufacture, preparation, or compound of any other person, or so in fact sells or uses the same, or wrongfully and fraudulently uses the genuine stamp, brand, imprint, wrapper, label, or trade-mark, with intent to pass off any goods, wares, merchandise, mixture, compound, or other article, not the manufacture of the person to whom such stamp, brand, imprint, wrapper, label, or trade-mark properly belongs, as genuine and original, shall be fined not more than five hundred dollars, or imprisoned not more than twelve months, or both. [56 v. 86, § 2; S. & C. 455.]

#### COUNTERFEITING.

SEC. 25. Whoever counterfeits any of the coins of gold, silver, or copper currently passing in this state; or utters or puts off counterfeit coins, knowing them to be such; or makes any instrument for counterfeiting any of the coins aforesaid, knowing the purpose for which such instrument was made; or knowingly has in his possession and secretly keeps any instrument for the purpose of counterfeiting any of the coins aforesaid, shall be imprisoned in the penitentiary not more than fifteen years nor less than one year. [33 v. 33, § 28; S. & C. 413.]

SEC. 26. Whoever gilds any of the coins currently passing in this state; or gilds any other metal having the likeness and similitude of any of the coins currently passing in this state, so as to give it the appearance of any of the gold coins of the United States, or any other gold coins currently passing in this state, with intent to defraud; or passes or puts in circulation any such false or gilded money, knowing that it is not genuine, shall be imprisoned in the penitentiary not more than five years nor less than one year. [33 v. 33, § 30; S. & C. 414.]

SEC. 27. Whoever falsely makes, forges, counterfeits, or alters any stamp, note, bond, coupon, postage or fractional currency or other security issued under the authority of any act of congress; or passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell; or brings into this state, or has or keeps in possession, or conceals, with intent to pass, utter, publish, or sell, any such false, forged, counterfeited or altered stamp, note, bond, coupon, postage or fractional currency, or other security, with intent to defraud, shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than fifteen years. [61 v. 69, § 1; S. & S. 269.]

**SEC. 28.** Whoever having the custody of any plate from which any stamps, notes, bonds, coupons, postage or fractional currency, or other security, issued under authority of any act of congress, or any part thereof shall have been printed, or which shall have been prepared for the purpose of printing any such notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof, uses such plate for the purpose of printing any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof, except such as shall be printed for the use of the United States by order of the proper officer thereof; or engraves any plate in the likeness or similitude of any plate designed for the printing of any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof; or vends or sells any such plate; or brings into this state any such plate with any other intent, or for any purpose, in either case than that such plate shall be used for printing such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or some part thereof, for the use of the United States; or has in his custody or possession any metallic plate engraved after the similitude of any plate from which any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof, shall have been printed with intent to use such plate in forging or counterfeiting any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof, issued as aforesaid; or has in his custody or possession any blank note, bond, coupon, postage or fractional currency, or other security, engraved and printed after the similitude of any stamps, notes, bonds, coupons, postage or fractional currency, or other security, issued as aforesaid, with intent to sell or otherwise use the same; or prints, photographs, or in any other manner executes, any engraving, photograph, or other print or impression, in the likeness or similitude of any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, or any part thereof, except for the use of the United States, and by the order of the proper officer thereof; or vends or sells any such engraving, photograph, print, or other impression, except to the United States; or brings into the United States, from any foreign place, any such engraving, photograph, print, or other impression, for the purpose of vending or selling the same, except by the direction of some proper officer of the United States; or has in his custody or possession any paper adapted to the making of such stamps, notes, bonds, coupons, postage or fractional currency, or other security, and similar to the paper upon which any such stamps, notes, bonds, coupons, postage or fractional currency, or other security, shall have been issued, with intent to use such paper in forging or counterfeiting any of the stamps, notes, bonds, coupons, postage or fractional currency, or other security, issued as

Printing from genuine plates, except for use of United States.

Engraving, selling, bringing into state, or having in possession counterfeit plate.

Making, bringing into state, or selling prints or impressions of issues of United States, except for its use.

Engraving  
or keeping  
plate for  
counterfeit-  
ing or alter-  
ing bank  
bills.

Having in  
possession, or  
disposing of,  
counterfeit  
coin, or coun-  
terfeit or fic-  
titious bank  
notes.

Attempting  
to pass coun-  
terfeit coin  
or bank  
notes.

aforesaid, shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than fifteen years. [61 v. 69, § 2; S. & S. 269.]

SEC. 29. Whoever engraves any plate for striking or printing any false or counterfeit bank note, knowing it to be designed for that purpose; or engraves, cuts, or indents any piece of copper, or other metal, for striking, printing, or altering any of the writing, printing, or figures of any bank note or bill, knowing the same to be designed for that purpose; or knowingly has in his possession and secretly keeps any such plate or piece of metal for any of the purposes aforesaid, shall be imprisoned in the penitentiary not more than fifteen nor less than three years. [33 v. 33, § 31; S. & C. 415.]

SEC. 30. Whoever, knowing the same to be false, forged, base, altered, counterfeit, or spurious, sells, barter, or in any way disposes of, or has in his possession, for the purpose of uttering and publishing as true and genuine, or for the purpose of selling, bartering, or disposing of, any false, forged, base, or counterfeit coin, made in the likeness or similitude of any of the gold, silver, or copper coins currently passing in this state, or any false, forged, altered, counterfeit, or spurious bank note, or any counterfeit bank note, the same not being filled up, or the signatures thereto forged or affixed, whether by single bills or by sheets, or the same being filled up, but having the signatures thereto of persons not the officers of the bank from which such note purports to have been issued, or having the names of fictitious persons thereto, shall be imprisoned in the penitentiary not more than fifteen years nor less than one year. [33 v. 33, § 29, S. & C. 413; 55 v. 149, § 1, S. & C. 425; 58 v. 5, § 1, S. & S. 267.]

SEC. 31. Whoever attempts to pass any base or counterfeit coin, knowing it to be such, or any false, forged, or counterfeit bank note, knowing it to be such, shall be imprisoned in the penitentiary not more than five years nor less than one year. [33 v. 33, § 32; S. & C. 415.]

## CHAPTER 12.

### ACTS REPEALED.

#### SECTION

1. Acts and parts of acts repealed.

#### SECTION

2. When act to take effect.

SECTION 1. The following acts and parts of acts are hereby repealed:

S. & C. 71;  
54 v. 14.

S. & C. 74;  
54 v. 128.

1. The act of February 17, 1857, entitled "An act to prevent the spread of disease among sheep."

2. The act of April 15, 1857, entitled "An act to provide for the more adequate punishment of the crime of maliciously killing and injuring horses and other animals."

3. The act of April 8, 1856, entitled "An act supplementary to the act providing for the punishment of crimes, passed March 7, 1835." S. & C. 75; 53 v. 192.
4. The act of February 11, 1824, entitled "An act for the better security of toll and other bridges within the state." S. & C. 192; 29 v. 372.
5. Section eight of the act of February 24, 1848, entitled "An act making provision for the incorporation of cemetery associations." S. & C. 225; 46 v. 97.
6. Section seven of the act of April 17, 1857, entitled "An act to regulate township and other cemeteries." S. & C. 228; 54 v. 187.
7. Sections two and three of the act of February 24, 1824, entitled "An act declaratory of the law concerning contempt of court." S. & C. 258; 32 v. 17.
8. The act of March 7, 1835, entitled "An act providing for the punishment of crimes," except sections thirty-seven, thirty-nine, and forty. S. & C. 401; 33 v. 33.
9. The act of March 2, 1842, entitled "An act to amend the act entitled 'an act for the punishment of crimes,' passed March 7, 1835." S. & C. 418; 40 v. 30.
10. The act of March 20, 1840, entitled "An act for the protection of railroads." S. & C. 419; 38 v. 59.
11. The act of January 11, 1848, entitled "An act to amend the act entitled 'an act for the protection of railroads,' passed March 20, 1840." S. & C. 419; 46 v. 26.
12. The act of March 6, 1845, entitled "An act to amend the act entitled 'an act for the protection of railroads,' passed March 20, 1840." S. & C. 420; 43 v. 92.
13. Section seven of the act of March 12, 1844, entitled "An act to prevent fraudulent practices." S. & C. 420; 42 v. 49.
14. The act of January 31, 1846, entitled "An act to amend an act entitled 'an act to prevent fraudulent practices,' passed March 12, 1844." S. & C. 422; 44 v. 34.
15. The act of April 9, 1852, entitled "An act to prevent fraudulent practices." S. & C. 422; 50 v. 132.
16. The act of March 22, 1860, entitled "An act to amend the first section of the act of April 9, 1852, entitled 'an act to prevent fraudulent practices.'" S. & C. 422; 57 v. 56.
17. The act of January 15, 1845, entitled "An act to limit prosecutions for certain offenses, misdemeanors, and immoral practices." S. & C. 424; 43 v. 6.
18. The act of March 15, 1860, entitled "An act to provide for the more effectual punishment of certain offenses." S. & C. 424; 57 v. 33.
19. The act of April 16, 1857, entitled "An act to amend an act for the punishment of certain offenses therein named, passed March 8, 1831." S. & C. 425; 54 v. 162.
20. The act of April 12, 1858, entitled "An act to prevent the selling and bartering of counterfeit coin, and the having in possession counterfeit coin, with the intent to sell, barter, or dispose of the same." S. & C. 425; 55 v. 149.
21. The act of March 18, 1839, entitled, "An act to punish certain crimes therein named." S. & C. 426; 37 v. 74.
22. The act of March 8, 1831, entitled "An act for the

- S. & C. 426;  
29 v. 144. punishment of certain offenses therein named," except section fifty-seven thereof.
- S. & C. 435;  
49 v. 105. 23. The act of March 24, 1851, entitled "An act to amend an act entitled 'an act for the punishment of certain offenses therein named,' passed March 8, 1851."
- S. & C. 435;  
52 v. 28. 24. The act of March 25, 1854, entitled "An act to punish certain offenses therein named."
- S. & C. 436;  
44 v. 76. 25. The act of February 26 [28], 1846, entitled "An act for the more effectual protection of inclosures."
- S. & C. 436;  
47 v. 37. 26. The act of March 29 [23], 1849, entitled "An act to punish judges for appearing as attorneys in the courts of justices of the peace."
- S. & C. 437;  
44 v. 77. 27. Section one of the act of February 28, 1846, entitled "An act to secure the inviolability of the places of human sepulture."
- S. & C. 439;  
34 v. 10. 28. The act of February 19 [29], 1836, entitled "An act to amend an act entitled 'an act to amend an act for the punishment of certain offenses therein named,' passed March 9, 1835."
- S. & C. 440;  
32 v. 20. 29. The act of February 27, 1834, entitled "An act to provide for the punishment of certain crimes therein named."
- S. & C. 441;  
32 v. 38. 30. The act of March 1, 1834, entitled "An act to prevent obstructing navigable streams therein named."
- S. & C. 441;  
30 v. 252. 31. The act of February 11, 1823, entitled "An act to suppress brothels, or houses of ill fame, in Hamilton county."
- S. & C. 442;  
30 v. 294. 32. The act of February 11, 1832, entitled "An act to provide for the more effectual punishment of certain offenses in the county of Hamilton."
- S. & C. 444;  
33 v. 349. 33. The act of July 1 [March 7], 1835, entitled "An act to amend the act entitled 'an act for the more effectual punishment of certain offenses in the county of Hamilton.'"
- S. & C. 444;  
35 v. 369. 34. The act of March 31, 1837, entitled "An act to restrain the running of horses on public highways, within the county of Hamilton."
- S. & C. 445;  
56 v. 72. 35. The act of May 1 [March 26], 1859, entitled "An act to punish trespasses on public and other lands."
- S. & C. 445;  
54 v. 99. 36. The act of April 11, 1857, entitled "An act for the punishment of the crime of maliciously destroying property."
- S. & C. 446;  
54 v. 36. 37. The act of March 19, 1857, entitled "An act for the protection of salt wells and salt furnaces."
- S. & C. 446;  
37 v. 79. 38. The act of March 18, 1839, entitled "An act to punish betting on elections, and for other purposes."
- S. & C. 447;  
29 v. 161. 39. The act of February 17, 1831, entitled "An act for the prevention of certain immoral practices."
- S. & C. 450;  
38 v. 57. 40. The act of March 20, 1840, entitled "An act to amend the act entitled 'an act for the punishment of certain offenses therein named,' passed March 8, 1831."
- S. & C. 450;  
42 v. 37. 41. The act of March 6, 1844, entitled "An act to prevent the introduction and spreading of the Canada thistle."

42. The act of February 10, 1845, entitled "An act to prevent the firing of cannon upon public streets and highways." S. & C. 451; 43 v. 17.
43. The act of February 25, 1859, entitled, "An act for the punishment of certain offenses therein named." S. & C. 452; 56 v. 26.
44. The act of April 4, 1859, entitled "An act supplementary to an act providing for the punishment of crimes, passed March 7, 1835." S. & C. 452; 56 v. 158.
45. Section one of the act of March 18, 1859, entitled "An act to prohibit the carrying or wearing of concealed weapons." S. & C. 452; 56 v. 56.
46. The act of April 2, 1859, entitled "An act to protect literary societies." S. & C. 452; 56 v. 113.
47. The act of April 13, 1852, entitled "An act regulating the sale of poisons." S. & C. 454; 50 v. 167.
48. The act of March 29, 1859, entitled "An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade-marks." S. & C. 454; 56 v. 86.
49. The act of April 7, 1856, entitled "An act to prevent and punish fraudulent transactions in tares and weights, and other abuses herein enumerated." S. & C. 455; 53 v. 69.
50. The act of March 19, 1860, entitled "An act to punish bribery in certain cases." S. & C. 457; 57 v. 47.
51. The act of March 20, 1860, entitled "An act supplementary to act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835." S. & C. 457a; 57 v. 49.
52. Section thirty-eight of the act of May 3, 1852, entitled "An act to regulate the election of state and county officers." S. & C. 532; 50 v. 311.
53. Sections six, seven, eight, nine, ten, eleven, twelve, and twenty-three of the act of March 20, 1841, entitled "An act to preserve the purity of elections." S. & C. 543; 39 v. 13.
54. The act of March 12, 1853, entitled "An act to amend the act entitled 'an act to preserve the purity of elections,' passed March 20, 1841." S. & C. 543; 51 v. 421.
55. The act of April 3, 1857, entitled "An act further to preserve the purity of elections." S. & C. 547; 54 v. 83.
56. The act of April 5, 1856, entitled "An act supplementary to the act entitled 'an act to preserve the purity of elections,' passed May 20, 1840." S. & C. 548; 53 v. 59.
57. Sections one and two of the act of January 17, 1846, entitled "An act more effectually to prevent gambling." S. & C. 662; 44 v. 10.
58. Sections six, seven, nine, and ten of the act of March 12, 1831, entitled "An act for the prevention of gaming." S. & C. 664; 29 v. 442.
59. The act of April 17, 1857, entitled "An act to amend an act entitled 'an act more effectually to prevent gambling,' passed March 17, 1846." S. & C. 667; 55 v. 196.
60. The act of April 15, 1857, entitled "An act to prevent the introduction of intoxicating liquors into county jails." S. & C. 750; 54 v. 137.
61. Section twenty-eight of the act of March 27, 1837, entitled, "An act defining the powers and duties of justices of the peace and constables in criminal cases." S. & C. 810; 35 v. 87.
62. The act of February 11, 1832, entitled "An act in addition to the act to prevent nuisances." S. & C. 878; 30 v. 22.



S. & C. 879,  
53 v. 140.

S. & C. 880;  
54 v. 130.

S. & C. 1171;  
52 v. 27.

S. & C. 1425;  
59 v. 15.

S. & C. 1431;  
52 v. 153.

S. & C. 1612;  
29 v. 470.

S. & S. 9; 64  
v. 127.

S. & S. 11;  
64 v. 207.

S. & S. 52;  
63 v. 57.

S. & S. 53;  
62 v. 137.

S. & S. 53;  
63 v. 96.

S. & S. 56;  
64 v. 128.

S. & S. 69;  
64 v. 48.

S. & S. 117;  
65 v. 194.

S. & S. 261;  
58 v. 110.

S. & S. 262;  
62 v. 77.

63. Section one of the act of April 11, 1856, entitled "An act further to amend an act entitled 'an act to prevent nuisances,' passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled 'an act further to amend an act to prevent nuisances,' passed February 28, 1831."

64. The act of April 15, 1857, entitled "An act in addition to the acts now in force to prevent nuisances."

65. Sections six and seven of the act of March 25, 1854, entitled "An act authorizing depositions to be taken in the state of Ohio to be used in the courts of other states."

66. Section two of the act of March 3, 1860, entitled "An act to regulate the responsibility of inn-keepers."

67. Sections one, two, three, four, five, eight, and nine of the act of May 1, 1854, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the state of Ohio."

68. The act of January 4, 1815, entitled "An act to prevent destroying timber."

69. Section two of the act of April 12, 1867, entitled "An act supplemental to the act entitled 'an act to restrain from running at large certain animals therein named,' passed April 13, 1865."

70. The act of April 16, 1867, entitled "An act to prevent spreading of contagious diseases among horses, cattle, and stock."

71. The act of March 27, 1866, entitled "An act to amend an act entitled 'an act to prevent the carrying on of certain branches of trade in the vicinity of the benevolent institutions.'"

72. Sections two and four of the act of April 12, 1865, entitled "An act to prevent the carrying on of certain branches of trade in the vicinity of the benevolent institutions."

73. The act of April 4, 1866, entitled "An act to prohibit the erection of any rolling-mill, blast-furnace, nail factory, copper-smelting works, boiler factory, or petroleum oil-refinery within one hundred and twenty rods of any of the state benevolent institutions."

74. Sections two, three, four, six, seven, and eight, of the act of April 12, 1867, entitled "An act for the protection of bridges across the Ohio river."

75. Section one of the act of March 11, 1867, entitled "An act for the further protection of cemeteries in the state of Ohio."

76. The act of May 14, 1868, entitled "An act for the protection of railway passengers."

77. The act of April 26, 1861, entitled "An act to punish treason and other crimes."

78. An act entitled "An act to amend section seventeen of the act providing for the punishment of crimes, passed March 7, 1835."

79. The act of March 21, 1863, entitled "An act to amend an act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835." S. & S. 263; 60 v. 20.
80. The act of March 9, 1867, entitled "An act to amend section twenty-four of an act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835." S. & S. 265; 64 v. 43.
81. The act of April 8, 1861, entitled "An act to amend section thirty-four of an act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835." S. & S. 266; 58 v. 65.
82. The act of March 24, 1864, entitled "An act to amend section thirty-six of the act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835, and to punish aiders and abettors of certain crimes." S. & S. 266; 61 v. 53.
83. The act of January 30, 1861, entitled "An act to punish the crime of having counterfeit bank notes or coin in possession with intent to pass the same." S. & S. 267; 58 v. 5.
84. The act of January 31, 1861, entitled "An act to prevent the amalgamation of the white and colored races." S. & S. 267; 58 v. 6.
85. The act of April 13, 1863, entitled "An act to punish an attempt to commit arson." S. & S. 267; 60 v. 85.
86. The act of March 16, 1863, entitled "An act to amend the first section of an act entitled 'an act for the protection of railroads,' passed March 20, 1840, as amended March 26, 1860." S. & S. 268; 60 v. 17.
87. The act of March 30, 1864, entitled "An act to punish the counterfeiting and forging of stamps, notes, bonds, coupons, postage or fractional currency, or other security issued by authority of congress, and repeal an act entitled 'an act to punish counterfeiting and forging notes issued by authority of congress,' passed March 26, 1863." S. & S. 269; 61 v. 79.
88. The act of April 13, 1867, entitled "An act to amend section two of an act to provide for the punishment of certain crimes therein named, passed February 27, 1834, took effect June 1, 1834." S. & S. 271; 64 v. 135.
89. The act of April 16, 1867, entitled "An act to amend section one of an act passed March 28, 1864, to prevent the publication, sale, or gratuitous distribution of drugs, medicines, and nostrums intended to prevent conception or procure abortion." S. & S. 272; 64 v. 202.
90. The act of May 15, 1868, entitled "An act supplementary to 'an act providing for the punishment of crimes,' passed March 7, A.D. 1835." S. & S. 273; 65 v. 204.
91. The act of April 16, 1867, entitled "An act to punish frauds upon insurance companies." S. & S. 273; 64 v. 229.
92. Sections one and two of the act of March 19, 1868, entitled "An act to punish and suppress prize-fighting." S. & S. 274; 65 v. 29.
93. The act of April 11, 1868, entitled "An act to prevent the forcible abduction of citizens of Ohio, and to repeal the act passed February 16, 1866, 'to prevent kidnapping in this state.'" S. & S. 275; 65 v. 87.
94. The act of February 21, 1867, entitled "An act to amend section ten of an act entitled 'an act for the punish-
- S. & S. 276; 64 v. 31.

ment of certain offenses therein named,' passed March 1 [8] 1831, took effect June 1, 1831."

- S. & S. 279;  
64 v. 69. 95. The act of March 27, 1867, entitled "An act to amend an act entitled an act for the punishment of certain offenses therein named, passed March 8, 1831."
- S. & S. 279;  
65 v. 200. 96. The act of May 15, 1868, entitled "An act to provide for the punishment of certain offenses therein named."
- S. & S. 279;  
60 v. 5. 97. The act of February 9, 1863, entitled "An act for the better protection of bees and their products."
- S. & S. 280;  
63 v. 175. 98. The act of April 6, 1866, entitled "An act to amend an act to prevent and punish malicious injuries to church edifices, school-houses, dwelling houses, and other buildings, passed March 24, 1860."
- S. & S. 281;  
64 v. 150. 99. The act of April 15, 1867, entitled "An act to punish trespassers on mining lands."
- S. & S. 281;  
64 v. 254. 100. The act of April 17, 1867, entitled "An act for the prevention of nuisances on buildings, fences, walls, and trees."
- S. & S. 282;  
59 v. 79. 101. The act of May 1, 1862, entitled "An act to punish the offenses of injuring or destroying orchards, forests, groves, and other trees, of the value of thirty-five dollars, or upwards."
- S. & S. 283;  
59 v. 27. 102. The act of March 20, 1862, entitled "An act to amend an act entitled 'an act to punish the offense of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this state,' passed March 13, 1845, and to repeal certain acts amendatory thereto, passed February 16, 1846, and February 24, 1848."
- S. & S. 284;  
62 v. 8. 103. The act of February 8, 1865, entitled "An act to amend section two of an act entitled 'an act for the punishment of the crime of maliciously destroying property,' passed and took effect April 11, 1857."
- S. & S. 284;  
62 v. 139. 104. The act of April 13, 1865, entitled "An act supplementary to 'an act to provide for the punishment of certain offenses therein named,' passed March 11, 1857, and took effect May 1, 1857."
- S. & S. 285;  
60 v. 85. 105. The act of April 13, 1863, entitled "An act to amend the first section of the act entitled 'an act for the more effectual protection of inclosures,' passed February 28, 1846."
- S. & S. 285;  
63 v. 8. 106. The act of February 7, 1866, entitled "An act to provide for the punishment of injury done to periodicals in reading-rooms."
- S. & S. 286;  
62 v. 179. 107. The act of April 13, 1865, entitled "An act to prevent the adulteration of wine made from grapes grown in the state of Ohio."
- S. & S. 286;  
62 v. 145. 108. The act of April 13, 1865, entitled "An act to amend the first section of an act entitled 'an act to prevent and punish fraudulent transactions in tares and weights, and other abuses herein enumerated.'"
109. The act of February 7, 1862, entitled "An act to

amend 'an act for the punishment of certain offenses therein named,' passed March 8, 1831." S. & S. 287; 59 v. 10.

110. The act of April 8, 1865, entitled "An act to punish furnishing instruments to prisoners to aid them to escape from prison." S. & S. 287; 62 v. 109.

111. The act of March 30, 1864, entitled "An act to amend an act entitled 'an act to protect literary societies,' passed April 2, 1859." S. & S. 288; 61 v. 98.

112. The act of April 12, 1861, entitled "An act to amend the first section of an act to amend the act entitled an act to amend the act entitled an act for the prevention of certain immoral practices, passed February 17, 1831. Said last act being passed March 26, 1841. (Passed and took effect April 12, 1858.)" S. & S. 288; 58 v. 91.

113. The act of March 30, 1864, entitled "An act to amend section one of the 'act for the prevention of certain immoral practices,' passed February 17, 1831." S. & S. 289; 61 v. 104.

114. The act of March 28, 1862, entitled "An act to punish indecent exposure of person and obscene language." S. & S. 289; 59 v. 32.

115. Section five of the act of March 20, 1841, entitled "An act to preserve the purity of elections" (S. & C. 543), as amended by the act of April 17, 1868 (S. & S. 340; 65 v. 100). S. & S. 340; 65 v. 100.

116. Sections one and three of the act of May 5, 1868, entitled "An act supplementary to an act entitled 'an act to preserve the purity of elections,' passed March 20, 1841, and to repeal the act entitled 'an act to preserve the purity of elections,' passed April 4, 1861." (58 v. 65.) S. & S. 343; 65 v. 138.

117. The act of April 5, 1866, entitled "An act to amend the act entitled 'an act to amend the act entitled an act to prevent nuisances,' passed February 27, 1834." S. & S. 500; 63 v. 102.

118. The act of April 12, 1865, entitled "An act supplementary to an act entitled 'an act in addition to the acts now in force to prevent nuisances,' passed April 15, 1857." S. & S. 500; 62 v. 137.

119. The act of April 5, 1866, entitled "An act supplementary to an act entitled 'an act to provide against the evils resulting from the sale of intoxicating liquors in the state of Ohio,' passed May 1, 1854." S. & S. 748; 63 v. 149.

120. The act of February 27, 1867, entitled "An act regulating taverns, and repealing certain acts therein named." S. & S. 749; 64 v. 25.

121. Section one of the act of March 15, 1869, entitled "An act to punish frauds in weighing live stock, hay, coal, grain, and iron, or other commodities or articles of merchandise." 66 v. 27.

122. The act of March 15, 1869, entitled "An act to punish certain offenses therein named." 66 v. 29.

123. Section fifteen of the act of April 27, 1869, entitled "An act authorizing county commissioners to purchase land for the use of court-houses, jails, and county infirmaries, and to erect buildings thereon; to build bridges, and prescribing their duties in the construction of, addition to, or alteration of any court-house, jail, county infirmary, or bridge; and to 66 v. 52.

repeal sections four and five of the act passed March 3, 1831, entitled 'an act providing for the erection of public buildings' (S. & C., vol. 2 p. 1229); the act entitled 'an act granting additional authority to county commissioners for infirm-ary purposes,' passed April 16, 1867 (S. & S. 537); the act entitled 'an act to amend section three of an act entitled an act further to prescribe the duties of county commissioners, passed April 8, 1856, as amended April 4, 1866,' passed May 9, 1868 (S. & S. 87); sections twenty, twenty-one, and twenty-three of the act entitled 'an act for the relief of the poor,' passed February 23, and took effect May 1, 1865 (S. & S 525); and sections seven and eight of the act entitled 'an act prescribing the rates of taxation for state, county, town-ship, city, and other purposes,' passed April 30, 1862 (S. & S. 777)."

- 66 v. 71. 124. The act of April 30, 1869, entitled "An act to pre-vent obstructions, and to protect the navigation of the Ohio river."
- 66 v. 91. 125. Section two of the act of May 4, 1869, entitled "An act to provide for the better protection of free bridges, and to repeal section four of an act therein named."
- 66 v. 99. 126. The act of May 5, 1869, entitled "An act for the protection of street railroad companies in the state of Ohio."
- 66 v. 122. 127. The act of May 6, 1869, entitled "An act to amend section one of an act entitled 'an act for the protection of bridges across the Ohio river,' passed April 12, 1867 (S. & S. p. 56), so as to extend the provisions of said act to all bridges erected across rivers within the state of Ohio."
- 66 v. 149. 128. Sections ninety-two, four hundred and fifty-one and six hundred and seventy-one of the act of May 7, 1869, en-titled "An act to provide for the organization and govern-ment of municipal corporations."
- 66 v. 341. 129. The act of May 7, 1869, entitled "An act to amend an act passed March 9, 1835, entitled 'an act to amend the act entitled an act for the punishment of certain offenses therein named,' passed March 8, 1831."
- 67 v. 17. 130. The act of March 12, 1870, entitled "An act to pun-ish the crime of mutilating or changing public records."
- 67 v. 25. 131. Sections two and three of the act of March 25, 1870, entitled "An act to encourage the study of anatomy."
- 67 v. 51. 132. The act of April 14, 1870, entitled "An act supple-mental and amendatory to the act to preserve the purity of elections, passed March 20, 1841," except section nineteen.
- 67 v. 103. 133. Section twenty-three of the act of April 18, 1870, entitled "An act providing for the election of county auditors, and prescribing their duties."
- 68 v. 9. 134. The act of January 13, 1871, entitled "An act to amend section thirty-five of an act providing for the punish-ment of crimes, passed March 7, 1835."
- 68 v. 27. 135. Section six of the act of February 24, 1871, entitled "An act to protect the elections of voluntary political asso-ciations, and to punish frauds therein."

136. Section five of the act of March 18, 1871, entitled "An act for the protection of fish in the rivers, streams, creeks, lakes, ponds, and reservoirs of this state, and for the repeal of an act therein named." 66 v. 41.
137. Section twenty-four of the act of April 12, 1871, entitled "An act relating to railroads." 68 v. 60.
138. The act of April 29, 1871, entitled "An act to amend an act entitled 'an act for the protection of bees.'" 68 v. 87.
139. The act of April 29, 1871, entitled "An act to protect boats and other water-craft." 68 v. 87.
140. The act of May 1, 1871, entitled "An act to regulate the transportation, manufacture, and storage of nitro-glycerine in the state of Ohio." 68 v. 105.
141. The act of February 10, 1872, entitled "An act to amend section fourteen of an act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835, as amended by an act passed May 1, 1857." 69 v. 10.
142. The act of March 29, 1872, entitled "An act supplementary to the act entitled 'an act to preserve the purity of elections,' passed March 20, 1841, and to repeal section fifty-three of an act to regulate the elections of state and county officers, passed May 3, 1852." 69 v. 58.
143. Sections one, two, three, and four of the act of April 10, 1872, entitled "An act to prevent the unlawful cutting of timber, etc., and to repeal an act entitled 'an act for the punishment of certain offenses therein named,' passed and took effect April 11, 1862." 69 v. 67.
144. Section three of the act of April 20, 1872, entitled "An act to authorize county commissioners to establish corners of townships." 69 v. 80.
145. Section five of the act of April 20, 1872, entitled "An act to grant the consent of the state of Ohio to the purchase by the United States of certain lands for the purpose of the erection of court-house, custom-house, post-office, and other government buildings, at Cincinnati, and ceding the jurisdiction over the same." 69 v. 81.
146. The act of April 23, 1872, entitled "An act to punish fraudulent practices by mortgagors of personal property." 69 v. 103.
147. Section thirty-one of chapter second of the act of April 27, 1872, entitled "An act to regulate insurance companies doing an insurance business in the state of Ohio." 69 v. 140.
148. Sections two, three, four, and five of the act of April 27, 1872, entitled "An act to regulate the sale of mineral oils and other substances for illuminating purposes, and to repeal an act entitled 'an act to provide for the inspection of mineral oils for illuminating purposes,' passed April 16, 1867." 69 v. 161.
149. The act of April 29, 1872, entitled "An act to punish certain offenses for making false or fraudulent statements therein named." 69 v. 193.
150. The act of January 22, 1873, entitled "An act to 70 v. 12.

- amend section two of an act entitled 'an act to prevent nuisances,' passed February 28, 1831. [S. & C. 877.]"
- 73 v. 19. 151. The act of March 9, 1876, entitled "An act to define and punish certain offenses therein named."
- 70 v. 39. 152. The act of February 21, 1873, entitled "An act to amend section twelve of an act entitled 'an act for the punishment of certain offenses therein named,' passed March 8, 1831, took effect June 1, 1831."
- 70 v. 52. 153. The act of February 27, 1873, entitled "An act to amend section one of an act entitled 'an act for the protection of furs, and to repeal section one of an act passed April 15, 1869'"
- 70 v. 61. 154. Section one of the act of March 10, 1873, entitled "An act supplementary to an 'act for the punishment of certain offenses therein named,' passed March 8, 1831."
- 70 v. 102. 155. Section ten of the act of April 3, 1873, entitled "An act to regulate contracts on behalf of the state."
- 70 v. 123. 156. Section one of the act of April 11, 1873, entitled "An act amendatory of and supplementary to the act entitled 'an act for the punishment of certain offenses therein named,' passed March 8, 1831."
- 70 v. 144. 157. The act of April 18, 1873, entitled "An act to amend section five of an act entitled 'an act for the punishment of certain offenses therein named,' passed March 8, 1831."
- 70 v. 155. 158. The act of April 24, 1873, entitled "An act to punish bribery in certain cases."
- 70 v. 156. 159. The act of April 24, 1873, entitled "An act to prevent frauds upon railroad companies."
- 70 v. 195. 160. Sections sixty-seven, seventy-three, and seventy-four of the act of May 1, 1873, entitled "An act for the reorganization and maintenance of common schools."
- 70 v. 296. 161. Sections one and three of the act of May 5, 1873, entitled "An act for the disposition of unclaimed costs."
- 71 v. 3. 162. The act of January 23, 1874, entitled "An act to authorize the governor to use a stamp in affixing his signature to official papers."
- 71 v. 14. 163. The act of February 26, 1874, entitled "An act to provide for the sufficiency of evidence in certain cases."
- 71 v. 18. 164. The act of March 6, 1874, entitled "An act to amend an act entitled 'an act to prevent and punish the adulteration of milk and cheese,' passed March 23, 1865 (S. & S. 265), as amended March 14, 1871. [O. L. vol. 68, page 39.]"
- 71 v. 32. 165. The act of March 21, 1874, entitled "An act to prevent the use of ferrets to catch rabbits."
- 71 v. 33. 166. The act of March 21, 1874, entitled "An act supplementary to an act entitled 'an act supplementary to an act providing for the punishment of crimes, and of the several acts amendatory and supplementary thereto.'"
- 71 v. 34. 167. The act of March 24 [21], 1874, entitled "an act for the protection of buoys in the state of Ohio."
- 71 v. 66. 168. The act of April 13, 1874, entitled "An act for the

prosecution and punishment of certain offenses therein named."

169. The act of April 16, 1874, entitled "An act to prevent the sale of intoxicating liquors at or near the Ohio Soldiers' and Sailors' Orphans' Home, or within two miles of the boundary line of the reform farm, near Lancaster." 71 v. 82.

170. The act of April 20, 1874, entitled "An act supplementary to an act entitled 'an act to protect the election of voluntary political associations, and to punish frauds therein,' passed February 24, 1871." 71 v. 113.

171. The act of April 20, 1874, entitled "An act to prevent dangerous interference with steam boilers." 71 v. 115.

172. The act of April 20, 1874, entitled "An act to protect certain birds and game, and to protect land-owners and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated." 71 v. 147.

173. Section eight of the act of January 26, 1875, entitled "An act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled 'an act providing for the disposition of unclaimed freight and express packages,' passed April 16, 1867." 72 v. 17.

174. The act of March 14, 1876, entitled "An act to protect wild pigeons while roosting or nesting in this state." 73 v. 23.

175. Section twenty-two of the act of March 14, 1876, entitled "An act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named." 73 v. 96.

176. The act of February 8, 1875, entitled "An act to prohibit and punish certain offenses therein mentioned." 72 v. 32.

177. The act of March 2, 1875, entitled "An act to provide for the punishment of the careless use of fire-arms." 72 v. 44.

178. The act of March 29, 1875, entitled "An act to amend sections four and five of an act entitled 'an act providing for the punishment of crimes,' passed March 7, 1835." 72 v. 93.

179. The act of March 29, 1875, entitled "An act to amend an act supplementary to an act entitled 'an act to prevent nuisances,' passed February 28, 1831." 72 v. 112.

180. Sections one, two, four, five, six, seven, and ten of the act of March 29, 1875, entitled "An act to prevent cruelty to animals, and to provide for the organization of associations or societies for the prevention of cruelty to animals, and to repeal certain acts therein named." 72 v. 129.

181. Section one of the act of March 30, 1875, entitled "An act to amend section thirty-six of an act entitled 'an act for the punishment of offenses therein named,' passed March 8, 1831 (S. & C., Vol. 1, p. 432), and to protect prairies, woods, and improved lands from fire." 72 v. 149.

182. The act of March 30, 1875, entitled "An act for the protection of ditches, drains, and water-courses." 72 v. 150.

183. The act of March 30, 1875, entitled "An act in relation to mendicant or vagrant children." 72 v. 152.



- 73 v. 165.** 184. The act of March 30, 1875, entitled "An act to restrain vagrancy and common begging."
- 73 v. 176.** 185. The act of March 30, 1875, entitled "An act to amend section one, as amended April 9 1873 (Vol. 70, O. L., p. 116), and to amend section four of an act entitled 'an act for the protection of fish in the rivers, streams, creeks, lakes, ponds, and reservoirs of the state, and for the repeal of an act therein named,' passed March 8, 1871."
- 73 v. 219.** 186. The act of April 11, 1876, entitled "An act for the prevention of cruelty to minors," except section five.
- 73 v. 10.** 187. The act of February 24, 1876, entitled "An act to punish certain offenses therein named."
- 73 v. 34.** 188. Section thirty-four of the act of March 16, 1876, entitled "An act to regulate and govern the Ohio penitentiary, and to repeal certain acts therein named."
- 73 v. 58.** 189. Section two of the act of March 17, 1876, entitled "An act supplementary to the act entitled 'an act to establish the independent treasury of the state of Ohio.'"
- 73 v. 59.** 190. The act of March 22, 1876, entitled "An act to amend section one of an act entitled 'an act to amend section twenty-two of an act entitled an act providing for the punishment of crimes.' S. & S. p. 264."
- 73 v. 60.** 191. Section three of the act of March 22, 1876, entitled "An act to amend an act entitled 'an act to amend the sixth section of an act entitled an act to provide for the recording of town plats,' passed March 3, 1831, took effect June 1, 1831, passed February 4, 1875 (Vol. 72, page 25, O. L.), and to repeal said act of February 4, 1875."
- 73 v. 63.** 192. The act of March 22, 1876, entitled "An act to protect buoys, lamps, lanterns, signal-lights, or other aids to navigation, erected or maintained by the United States."
- 73 v. 64.** 193. The act of March 22, 1876, entitled "An act for the protection of mill dams, mill-races, mill-race banks, and head-gates."
- 73 v. 80.** 194. Section twenty-one of the act of March 27, 1876, entitled "An act to better provide for the organization, regulation, and management of hospitals for the insane."
- 73 v. 87.** 195. The act of March 27, 1876, entitled "An act to provide for the punishment of certain offenses therein named."
- 73 v. 88.** 196. Section twenty-three of the act of March 28, 1876, entitled "An act to authorize the construction and repair of levees along natural streams or water-courses."
- 73 v. 116.** 197. The act of April 7, 1876, entitled "An act to amend section six hundred and seventy-five of an act entitled 'an act to provide for the organization and government of municipal corporations,' passed May 7, 1869."
- 73 v. 119.** 198. The act of April 7, 1876, entitled "An act to amend section seven of an act to protect certain birds and game, and to punish trespassing upon improved or inclosed lands, and to repeal certain statutes therein designated, passed April 20, 1874, (O. L. vol. 71, p. 147), and amended March 29, 1875."

199. The act of April 3, 1876, entitled "An act to protect surgeons, physicians, dentists, and patients from the morbid condition of the nervous system sometimes produced by the administration of anesthetics." 73 v. 154.

200. Sections two and three of the act of April 3, 1876, entitled "An act to amend sections two, four, and twenty-four of an act entitled 'an act to preserve the purity of elections,' passed March 20 1841 (S. & C. 543, 544, 547), as amended by acts of April 15, 1857 (vol. 54, O. L., 136), May 30, 1864 (vol. 61 O. L., 83), and April 15, 1867 (vol. 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861 (vol. 58, O. L., 17), May 30, 1864 (vol. 61 O. L., 83), April 15, 1867 (vol. 64 O. L., 151), and April 16, 1867 (vol. 64 O. L., 228, 229), as amended April 17, 1868 (S. & S. 340)." 73 v. 155.

201. The act of April 8, 1876, entitled "An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements, and articles of obscene and immoral use, and articles for procuring abortion, and to repeal an act entitled an act to suppress and prohibit obscene publications, passed April 27, 1872." 73 v. 158.

202. The act of April 11, 1876, entitled "An act to amend an act entitled 'an act to prevent and punish child-stealing,' passed and took effect March 24, 1860 (S. & C. p. 457)." 73 v. 207.

203. The act of April 11, 1876, entitled "An act to amend an act entitled 'an act to protect certain birds and game, and to protect land-owners, and punish trespassing upon improved or inclosed land, and to repeal certain statutes therein,' passed April 20, 1874 (O. L., vol. 71, page 147)." 73 v. 216.

204. Section two of the act of April 11, 1876, entitled "An act to amend an act entitled an act, passed May 6, 1869, supplementary to the act prescribing the fees of county auditors, passed May 1, 1862, as amended April 12, 1865, as amended April 17, 1867." 73 v. 221.

205. The act of April 11, 1876, entitled "An act to punish certain offenses therein named, and to repeal a certain section therein named." 73 v. 224.

206. The act of April 12, 1876, entitled "An act supplementary to an act to establish a reform and industrial school for girls." 73 v. 242.

207. The act of April 12, 1876, entitled "An act for the suppression of gambling, and to repeal an act therein named." 73 v. 242.

SEC. 2. This act shall take effect and be in force from and after July 1, 1877.

C. H. GROSVENOR,  
Speaker of the House of Representatives.  
H. W. CURTISS,  
President of the Senate.

Passed May 5, 1877.

## AN ACT

To amend, revise, and consolidate the statutes relating to criminal procedure.

*Be it enacted by the General Assembly of the State of Ohio, That the laws relating to criminal procedure be amended so as to read as follows:*

## TITLE II. CRIMINAL PROCEDURE.

- CHAPTER 1. PROCEEDINGS TO PREVENT CRIME.
- CHAPTER 2. ARREST, EXAMINATION, BAIL AND COMMITMENT.
- CHAPTER 3. THE GRAND JURY, AND ITS PROCEEDINGS.
- CHAPTER 4. INDICTMENT, AND PROCEEDINGS THEREON.
- CHAPTER 5. PROCEEDINGS BETWEEN INDICTMENT AND TRIAL.
- CHAPTER 6. TRIAL, AND PROCEEDINGS INCIDENT THERETO.
- CHAPTER 7. VERDICT, AND JUDGMENT, AND PROCEEDINGS THEREON.
- CHAPTER 8. NEW TRIALS, MOTIONS IN ARREST, AND ERROR.
- [CHAPTER 9. ACTS REPEALED.]

## CHAPTER 1.

## PROCEEDINGS TO PREVENT CRIME.

## SECTION

1. Complaint to keep the peace.
2. A form of warrant to keep the peace.
3. When accused to be discharged.
4. When accused required to give recognizance.
5. When accused to be committed to jail.
6. When transcript and recognizance to be transmitted to court.
7. Accused to be discharged if complainant fails to prosecute.
8. Proceedings in court.
9. When court shall commit accused to jail.
10. Disturbers of the peace in presence of magistrates may be committed.
11. Convicts of misdemeanor may be required to enter into recognizance.

## SECTION

12. Sheriff and other officers shall arrest person intending to engage in prize-fight; when accused to give recognizance [or] be committed.
13. Recognizance to be returned to common pleas and recorded.
14. Sheriff may suppress prize-fight, and arrest offenders.
15. When search-warrant may be issued.
16. Affidavit for search-warrant.
17. Search-warrant, and what it shall contain.
18. A form of search-warrant.
19. Property seized to be kept by magistrate.
20. Disposition of property when accused held for trial.
21. Disposition of same when accused is discharged or convicted.
22. When money and property seized liable for payment of fines, etc.
23. Searches for dead human bodies

## PEACE WARRANT.

SECTION 1. When complaint is made in writing, upon oath, before a justice of the peace, mayor, or police judge, that complainant has just cause to fear, and does fear, that another will commit any offense against the person or property of himself, or of his ward, or child, the magistrate shall issue a warrant, in the name of the state, to the sheriff or to any constable of the county, or, if the same be issued by an officer of a municipal corporation, then to the marshal or other police officer of such corporation, commanding him forthwith to arrest the person complained of, and him to take before such magistrate, or any other magistrate named in this section, of the same county, to answer such complaint. [66 v. 287, § 1; 36 v. 18, § 1; S. & C., 1402.]

SEC. 2. A warrant substantially in the form following shall be deemed sufficient:

THE STATE OF OHIO, ——— COUNTY, SS.

To any Constable of said County, greeting:

Whereas complaint has been made before me by one C. D., on oath, that he has just cause to fear, and does fear, that one E. F. will [*here state the threatened injury or violence according to the fact as sworn to.*]

These are therefore to command you to apprehend the said E. F., and bring him forthwith before me, or some other magistrate having cognizance of the matter, in said county, to show cause why he should not find surety to keep the peace and be of good behavior toward the citizens of the state generally, and the said C. D. especially, and for his appearance before the proper court.

Given under my hand, this ——— day of ———, ———.

A. B., *Justice of the peace.*

[35 v. 87, § 33; S. & C. 817.]

SEC. 3. When the accused is brought before the magistrate he shall be heard in his defense, and all witnesses produced shall be examined on oath; and unless the magistrate is satisfied that there is just cause for the complaint, he shall discharge the accused, and render judgment in favor of the state against the complainant for the costs of prosecution, and issue execution therefor. [66 v. 288, § 4.]

SEC. 4. If the magistrate is of the opinion that there is just cause for the complaint, he shall order the accused to enter into a recognizance, in a sum not less than fifty nor more than five hundred dollars, with sufficient surety, for his appearance before the court of common pleas, on the first day of the next term thereof, or before the probate court, if that court has jurisdiction of the matter, on the first day of the next term thereof for the trial of criminal cases, and in the meantime to keep the peace and be of good behavior generally, and especially towards the person named in the complaint; or, if such court is at the time in session, the recog-

Complaint to keep the peace.

A form of warrant to keep the peace.

When accused to be discharged.

When accused required to give recognizance.

nizance shall require the accused to appear forthwith before it. [71 v. 70, § 1; 66 v. 228, § 5.]

When accus-  
ed to be com-  
mitted to jail.

SEC. 5. In default of such recognizance, the magistrate shall commit the accused to the jail of the county, there to remain until discharged by due course of law. [66 v. 288, § 3.]

When tran-  
script and  
recogni-  
zance to be  
transmitted  
to court.

SEC. 6. When the magistrate has found there is reasonable ground for the complaint, he shall forthwith make a certified transcript of the proceedings, including a copy of the complaint, and file the same in the office of the clerk of the court having jurisdiction of the complaint, or forward the same to him, together with the recognizance, if any has been taken; and if the court is then in session, the accused, if in custody, shall be tried at that term, unless cause for continuance be shown, and if he is under recognizance he may be tried at the same term, with the assent of the prosecuting attorney. [66 v. 288, § 6; 71 v. 70, § 1.]

Accused to be  
discharged if  
complainant  
fail to prose-  
cute.

SEC. 7. If the complainant fail to prosecute his complaint, the accused shall be discharged, unless good cause to the contrary be shown, and the court shall render judgment against the complainant for the costs of prosecution, and award execution therefor. [66 v. 288, §§ 9, 10.]

Proceedings  
in court.

SEC. 8. The court, upon the appearance of the parties, shall hear the witnesses produced on oath, and may either discharge the accused, and render judgment against the complainant for costs, and award execution therefor, or order him to enter into such further security, and for such time, as may be just, to keep the peace and be of good behavior, and render judgment against him for costs, and award execution therefor. [66 v. 288-9, §§ 7-11.]

When court  
shall commit  
accused to  
jail.

SEC. 9. For want of such security the court shall commit the accused to jail, there to remain until such order be complied with, or he be discharged by due course of law, and shall render judgment against him for costs, and award execution therefor; but in no case shall he be thus confined longer than one year; and after such commitment the court may at any time discharge him on his own recognizance, when it shall seem proper to do so. [66 v. 288, §§ 8, 9.]

Disturbers of  
the peace in  
presence of  
magistrates  
may be com-  
mitted.

SEC. 10. Whoever, in the presence of a magistrate named in section one, makes an affray, or threatens to beat or kill another, or to commit an offense against the person or property of another, or contends with hot and angry words, to the disturbance of the peace, may be ordered, without process, or any other proof, to give security as provided in section seven of this chapter, and in default thereof may be committed as is provided in the same section. [66 v. 289, § 12.]

Convicts of  
misdemeanor  
may be re-  
quired to en-  
ter into re-  
cognizance.

SEC. 11. Any person convicted of a misdemeanor may be required by the court to enter into a recognizance, with sufficient surety, in such sum as the court may deem proper, to keep the peace and be of good behavior for such length of time, not exceeding two years, as the court shall direct; and the court may order such person to stand committed until

such order be complied with, or he be otherwise discharged by due course of law; but the court may, after such commitment, at any time discharge [discharge] such person own [on] his own recognizance. [29 v. 144, § 57; S. & C. 435.]

#### PRIZE-FIGHTS.

SEC. 12. When a sheriff, constable, marshal, or other police officer, has reason to believe that any person in his bailiwick is about to engage as principal or second in any premeditated fight or contention, commonly called a prize-fight, or is in training or preparation to engage as principal in such fight, he shall forthwith arrest such person, and take him before a judge of the court of common pleas, or magistrate named in section one, and give notice to the prosecuting attorney, who shall immediately attend before such officer, and, upon the proper affidavit being filed, prosecute the complaint; and such officer shall hear the witnesses produced on oath, and if he find the complaint true, order the accused to enter into a recognizance, with sufficient sureties, in a sum not less than five hundred nor more than ten thousand dollars, that he will not engage in any such fight or contention within one year thereafter, in this state or elsewhere; and in default of such recognizance such officer shall commit the accused to jail, there to remain until such order be complied with; but if, after the expiration of one month of confinement, the accused is unable to give such recognizance, a judge of the court of common pleas, or probate judge, may discharge him upon his own recognizance, in the same amount, and with the like conditions, upon proof by his own affidavit, and other evidence, that he will never engage in such fight or contention. [65 v. 29, § 3; S. & S. 274.]

SEC. 13. Every such recognizance shall be, by such judge or magistrate, certified to the court of common pleas of the county, where the same shall be recorded; and the prosecuting attorney, when he has reason to believe that the condition of the same has been broken, shall immediately bring suit thereon in any county, and collect the amount due thereon, and pay the same into the county treasury. [65 v. 30, § 4; S. & S. 274.]

SEC. 14. When a sheriff has reason to believe that such fight or contention is about to take place in his county, he shall forthwith summon a force of citizens of the county, sufficient for the purpose, and suppress such fight or contention, and arrest all persons found thereat violating any law, and take them before a judge of the court of common pleas, or a magistrate, to be dealt with as provided by law. [65 v. 29, § 5; S. & S. 274.]

#### SEARCH-WARRANT.

SEC. 15. Magistrates named in section one of this chapter may issue warrants to search any house or place—

Sheriff and other officers shall arrest persons intending to engage in prize-fight.

When accused to give recognizance or be committed.

Recognizance to be returned to common pleas, and recorded.

Sheriff may suppress prize-fight, and arrest offenders.

When  
search-war-  
rant may be  
issued.

1. For property stolen, taken by robbers, embezzled, or obtained under any false pretense.

2. For forged or counterfeit coins, stamps, imprints, labels, trade-marks, blank [bank] bills, or other instruments of writing, and dies, plates, stamps, or brands for making the same.

3. For books, pamphlets, ballads, or printed papers containing obscene language, prints, pictures, or descriptions manifestly tending to corrupt the morals of youth, and for obscene, lewd, or indecent or lascivious drawings, lithographs, engravings, pictures, daguerreotypes, photographs, stereoscopic pictures, models or casts, and for instruments or articles of indecent or immoral use, or instruments, articles or medicines for procuring abortion, or for the prevention of conception, or for self-pollution.

4. For any gaming table, establishment, device, or apparatus kept or exhibited for the purpose of unlawful gaming, or to win or gain money or other property, and for any money or property won by unlawful gaming. [66 v. 289, § 13; 56 v. 86, § 4, S. & C. 455; 73 v. 159, § 3.]

Affidavit for  
search-war-  
rant.

SEC. 16. No warrant for search shall be issued until there has been filed with the magistrate an affidavit particularly describing the house or place to be searched, the person to be seized, and the things to be searched for, and alleging substantially the offense in relation thereto, and that affiant believes, and has good cause to believe, that such things are there concealed. [66 v. 289, § 14.]

Search-war-  
rant, and  
what it shall  
contain.

SEC. 17. The warrant for search shall be directed to the proper officer, and shall show, by a copy of the affidavit inserted therein, or annexed and referred to, or recite, all the material facts alleged in the affidavit, and particularly describe the thing to be searched for, the house or place to be searched, and the person to be seized. It shall command the officer to search such house or place for the property or other things, and, if found, to bring the same, together with the person to be seized, before the magistrate, or some other magistrate of the county having cognizance of the same; and the command of the warrant shall be that the search be made in the day time, unless there is urgent necessity for a search in the night, in which case such search in the night may be ordered. [6 v. 289, §§ 15, 16.]

A form of  
search-war-  
rant.

SEC. 18. A warrant for search substantially in the form following shall be deemed sufficient:

THE STATE OF OHIO, ——— COUNTY, SS.:

To any Constable of said County, greeting:

Whereas, there has been filed with me an affidavit, of which the following is a copy: [*Here copy the affidavit.*]

These are, therefore, to command you, in the name of the state of Ohio, with the necessary and proper assistance, to enter, in the day time [*or in the night time*], into [*here describe the house or place as in the affidavit*] of the said E. F., of the

township of —, in the county aforesaid, and there diligently search for the said goods and chattels, to wit: [*here describe the articles as in the affidavit*], and that you bring the same, or any part thereof, found on such search, and also the body of E. F., forthwith before me, or some other magistrate of the county having cognizance thereof, to be disposed of and dealt with according to law.

Given under my hand, this — day of —, —.

A. B., *Justice of the Peace.*

[35 v. 87, § 33; S. & C. 817.]

SEC. 19. When the warrant is executed by the seizure of the property or things described therein, the property or things shall be safely kept by the magistrate to be used as evidence. [66 v. 289, § 17.]

Property seized to be kept by magistrate.

SEC. 20. If, upon the examination, the magistrate is satisfied that the offense charged with reference to the things seized has been committed, he shall keep such things, or deliver them to the sheriff of the county, there to remain till the accused has been tried, or the claimant's right has been otherwise ascertained. [66 v. 290, § 18.]

Disposition of property when accused held for trial.

SEC. 21. If the accused be discharged, either by the magistrate or the court, the property or other things seized shall be returned to the person in whose possession they were found; but if he be convicted, the property only shall be returned to its owner, and the other things shall be destroyed under the direction of the court. [66 v. 290, § 19.]

Disposition of same when accused is discharged or convicted.

SEC. 22. Upon conviction, under sections four, five, and six of chapter eight, of title one, of this part, of the person in whose possession there has been found money or other property won at gaming, such money or property shall be liable for any judgment which may be rendered against him. [66 v. 290, § 20.]

When money and property seized liable for payment of fines, etc.

SEC. 23. When an affidavit is filed before any judge or magistrate named in section one of this chapter, alleging that affiant has good reason to believe, and does believe, that a dead human body, procured or obtained contrary to law, is secreted in some building or other place in the county, and which is therein particularly specified, such judge or magistrate, taking with him a justice of the peace, or if such place is within a municipal corporation, then two officers of such corporation may enter, inspect, and search any such building or other place for such dead body; and in making such search they shall have the powers of officers executing warrants of search. [44 v. 77, § 2; S. & C. 437.]

Searches for dead bodies.



## CHAPTER 2.

## ARREST, EXAMINATION, BAIL, AND COMMITMENT.

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## ARREST.

SECTION 1. A sheriff, deputy sheriff, constable, marshal or deputy marshal, watchman, or police officer shall arrest and detain any person found violating any law of this state, or any legal ordinance of a city or village, until a legal warrant can be obtained [66 v. 291, § 21.]

Who may arrest.

SEC. 2. If a felony has been committed, any person may, without warrant, arrest another who he believes, and has reasonable cause to believe, is guilty of the offense, and may detain him until a legal warrant can be obtained; and if such warrant direct the removal of the accused to the county in which the offense was committed, the officer holding the warrant shall deliver the accused to some magistrate of such county, to be dealt with according to law; and all the necessary expense of such removal, and reasonable compensation for his time and trouble, shall be paid to such officer, out of the treasury of such county, upon the allowance and order of the county auditor. [66 v. 291, § 22; 29 v. 112, § 3, S. & C. 1398.]

When any person may arrest.

SEC. 3. Magistrates named in the first section of the last chapter shall have power to issue process for the apprehension of any person charged with an offense, and to execute the powers conferred and duties enjoined in this title. [66 v. 291, § 23.]

Who may issue warrants.

SEC. 4. Such magistrates may issue subpoenas and other process to bring witnesses before them. In complaints to keep the peace, and in cases of misdemeanor, the subpoena shall be served within the county, and in other cases it may be issued to or served in any county. Subpoenas substantially in the form following shall be deemed sufficient:

Magistrates may issue subpoenas. Form of subpoena.

THE STATE OF OHIO, ——— COUNTY, SS.:

To any Constable of the County, greeting:

You are hereby commanded to summon ——— to be and appear before me, the undersigned authority, at ———, forthwith, and there to give testimony and the truth to say touching a certain complaint made in behalf of the State of Ohio against C. D.

Given under my hand, this ——— day of ———, ———.

A. B., Justice of the Peace.

SEC. 5. When an affidavit charging any person with the commission of an offense is filed with such magistrate, he shall, if he have reasonable ground to believe that the offense charged has been committed, issue a warrant for the arrest of the accused. [66 v. 291, § 24.]

When a warrant shall issue.

SEC. 6. An affidavit substantially in the form following shall be deemed sufficient:

A form of affidavit.

THE STATE OF OHIO, ——— COUNTY, SS.:

Before me, A. B., personally came C. D., who, being duly sworn according to law, deposes and says that on or about

the — day of —, at the county of —, one E. F.  
*[here describe the offense committed, as nearly according to the nature thereof as the case will admit.]* C. D.

Sworn to and subscribed before me, this — day of —,  
 A. B., *Justice of the Peace.*

[35 v. 87, § 23; S. & C. 816.]

When security for costs of prosecution may be required.

SEC. 7. When the offense charged is a misdemeanor, the magistrate, before issuing the warrant, may, at his discretion, require the complainant, or if he consider the complainant wholly irresponsible, that the [he] procure some other person, to become bound for the costs in case the complaint be dismissed; and the complainant or other person shall acknowledge himself so bound, and the magistrate shall enter the acknowledgment on his docket. [66 v. 291, § 25.]

What warrant to contain, and to whom directed.

SEC. 8. The warrant shall be directed to the sheriff or to any constable of the county, or if the same be issued by an officer of a municipal corporation, then to the marshal or other police officer of such corporation, and shall show, by a copy of the affidavit inserted therein, or annexed and referred to, or recite the substance of the accusation, and shall command the officer forthwith to take the accused and bring him before the magistrate or court issuing the warrant, or some other magistrate of the county having cognizance of the case, to be dealt with according to law. [68 v. 3, § 1; 36 v. 18, § 1; S. & C. 1402.]

A form of warrant.

SEC. 9. A warrant substantially in the form following shall be deemed sufficient:

THE STATE OF OHIO, — COUNTY, ss:

*To any Constable of said — County, greeting:*

Whereas there has been filed with me an affidavit, of which the following is a copy: *[here copy the affidavit.]*

These are therefore to command you to take the said E. F., if he be found in your county, or, if he has fled, that you pursue after him into any other county in the state, and take and safely [keep] the said E. F. so that you have his body forthwith before me, or some other magistrate of said county, to answer the said complaint, and be further dealt with according to law.

Given under my hand, this — day of —, —.

A. B., *Justice of the Peace.*

[35 v. 87, § 23; S. & C. 816.]

Accused may be pursued and arrested in any county.

SEC. 10. If the accused flee from justice, the officer holding the warrant may pursue and arrest him in any county of this state, and convey him before the magistrate or court issuing the warrant, or other magistrate or court of the county having cognizance of the case. [68 v. 3, § 1.]

Warrant may issue in county to which he has removed.

SEC. 11. If a person charged with an offense abscond or remove from the county in which such offense is alleged to have been committed, a magistrate of the county in which such person may be found may issue a warrant for his arrest, and removal to the county in which the offense is alleged [to]

have been committed, to be there delivered to any magistrate of such county, who shall cause the person so delivered to be dealt with according to law; and the warrant so issued shall have the same force and effect as if issued from the county in which such offense is alleged to have been committed. [66 v. 291, § 29.]

SEC. 12. In executing a warrant for the arrest of a person charged with an offense, or a search-warrant, the officer may break open any outer or inner door or window of a dwelling-house or other building, if, after notice of his office and purpose, he be refused admittance. But this section is not intended to authorize any officer executing a search-warrant to enter any house or building not described in the warrant. [66 v. 292, § 29.]

Officer may break outer doors, etc.

#### EXAMINATION.

SEC. 13. When the officer holding the warrant arrests the accused, he shall take him before the proper magistrate, and having indorsed and signed a proper return on the warrant, shall deliver the same to the magistrate. [66 v. 292, § 30.]

Officer to take prisoner before magistrate, and return warrant.

SEC. 14. If it become necessary, for any just cause, to adjourn the examination of the accused, the magistrate may order such adjournment, and commit the accused, from time to time, for safe-keeping, to the jail of the county, until the cause of delay be removed, and no longer: provided, the whole time of such confinement in jail shall not exceed four days; and provided also, that the officer having in custody any such person may, by the written order of the magistrate, detain him in custody in some secure and convenient place other than the jail, to be designated by said magistrate in his order, not exceeding four days; and the officer in whose custody any person shall be detained shall provide for the sustenance of such prisoner while in custody. [66 v. 292, § 31.]

Adjournment of examination.

SEC. 15. When an adjournment is ordered the accused may enter into a recognizance before the magistrate, with good and sufficient surety, to be approved by him, in such amount as he may deem reasonable, conditioned for the appearance of such person before the magistrate, at a place, and day, and hour in the recognizance specified: provided, that such adjournment shall not be for a longer time than twenty days, without the consent of the accused; and provided also, that no person shall be let to bail who is charged with an offense not bailable under the constitution of this state. [66 v. 292, § 32.]

Recognizance when case adjourned.

SEC. 16. If the accused fail to appear at the time named in the recognizance, or otherwise fail to comply with the conditions thereof, the magistrate shall declare the recognizance forfeited, and transmit a transcript of his proceedings in the case, [together with the recognizance,] to the clerk of the proper court; and such proceedings shall be had thereon

When person recognized fails to appear.

by such court as may be deemed expedient, and as if the recognizance had been taken therein. [66 v. 293, § 33.]

Proceedings  
when accus-  
ed pleads  
guilty of mis-  
demeanor.

SEC. 17. When a person accused of a misdemeanor is brought before a magistrate, on the complaint of the party injured, and pleads guilty to the charge, the magistrate may, at his discretion, sentence him to such punishment as he may deem proper, within the limits of the provision defining the offense, and order the payment of costs, or require him to enter into a recognizance to appear at the proper court, as provided in this part. If the complaint be not by the party injured, the defendant shall be recognized so to appear. [66 v. 293, § 34.]

Proceeding  
when there is  
no plea of  
guilty.

SEC. 18. When the accused is brought before the magistrate, and there is no plea of guilty, he shall, as soon as may be, in the presence of the accused, inquire into the complaint; and if it appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, he shall order him to enter into a recognizance, with good and sufficient surety, in such an amount as he may deem reasonable, for his appearance at the proper time before the proper court; otherwise he shall discharge him from custody. But if the offense charged be a misdemeanor, and the accused, in a writing subscribed by him, and filed before or during the examination, waive a jury, and submit to be tried by the magistrate, he may render final judgment. [66 v. 293, § 35.]

When wit-  
nesses may  
be examined  
separately.

SEC. 19. The magistrate, if requested, or if he see good cause therefor, shall order that the witnesses on both sides be examined, each one separate from all the others, and that the witnesses for, may be kept separate from the witnesses against the accused during the examination. [66 v. 293, § 36.]

When pris-  
oner to be  
discharged.

SEC. 20. If, upon the whole examination, it appear that no offense has been committed, or that there is not probable cause for holding the prisoner to answer the offense, he shall be discharged. [66 v. 293, § 37.]

When wit-  
nesses shall  
be recogniz-  
ed to appear  
at court.

SEC. 21. When the accused enters into a recognizance, or is committed in default thereof, the magistrate shall require such witnesses against the prisoner as he deems necessary, to enter into recognizance to appear and testify before the proper court, at the proper time, and not depart from such court without leave. [66 v. 293, § 38.]

Recogni-  
zance of wit-  
ness.

SEC. 22. When the magistrate is satisfied that there is reason to believe that any such witness will not perform the condition of his own recognizance, he may, when the offense charged is a felony, order him into recognizance, with sufficient surety. [66 v. 293, § 39.]

Recogni-  
zance for  
minor or  
married  
woman.

SEC. 23. Any person may become bound in a recognizance for a married woman or a minor to appear as a witness, or the magistrate may take the recognizance of either in a sum not exceeding one hundred dollars, which shall be valid, notwithstanding the disability of coverture or minority. [66 v. 293, § 40.]

SEC. 24. If the witness so required to enter into a recognizance refuse to comply with such order, the magistrate shall commit him to jail until he comply with such order, or be otherwise discharged according to law. [66 v. 293, § 41.]

When witness refuses to enter into a recognizance.

SEC. 25. If, upon any examination before any court or magistrate, it appears that any child under the age of fourteen years was, or is, unlawfully engaged or used for, or in any business, exhibition, vocation, or purpose, such court or magistrate may commit such child to an orphan asylum, charitable, or other institution, or make such other disposition of it as is authorized by law to be made of vagrant, truant, disorderly, pauper, or destitute children, provided the child's welfare will thus be promoted; and the court or magistrate shall have the same power over the child in every case of conviction of any person of a criminal assault upon such child, provided the child's welfare will thereby be promoted. [73 v. 219, § 5.]

When children under fourteen years to be committed to asylums, etc.

SEC. 26. It shall be the duty of every magistrate to keep a docket of criminal proceedings, as in civil cases. In all cases where the defendant is held to answer, a transcript of the proceedings, including a copy of the complaint, shall, together with any recognizance taken in the case, be forwarded forthwith to the clerk of the court at which the prisoner is to appear; which transcript shall contain an accurate bill of all the costs that have accrued, and the items composing the same. [66 v. 293, § 42.]

Docket to be kept, and transcript to be forwarded to clerk.

#### FUGITIVES FROM OTHER STATES.

SEC. 27. When an affidavit is filed before any judge of a court of common pleas, or any judge of probate or police court, or any justice of the peace, setting forth that a person charged with the commission of any offense against the laws of any other state, or of any of the territories of the United States, and which, if the act had been committed in this state, would, by the laws thereof, have been a crime, is, at the time of filing such affidavit, within the county where the same may be filed, such judge or justice of the peace shall issue his warrant, directed to the sheriff or any constable of the county, commanding him forthwith to arrest and bring before him the person so charged. [66 v. 319, § 211.]

Arrest of fugitives from other states.

SEC. 28. When the person arrested, as provided in section twenty-seven, is brought before the officer issuing the warrant, he shall hear and examine such charge, and upon proof by him adjudged to be sufficient, commit such person to the jail of the county in which such examination is had, or cause him to be delivered to a suitable person to be removed before any such judge or justice of the proper county in which to take such examination, who shall take the same, and proceed as if the warrant had been issued by him. [66 v. 2, § 212.]

May be committed to jail.

Notice to be  
given to  
judge or  
magistrate.

SEC. 29. Whenever any person is committed to jail by any judge or justice of the peace under the preceding section, such judge or justice of the peace shall forthwith give notice, by letter or otherwise, to the sheriff of the county in which such offense was committed, or to the person injured by such offense; and no person so committed shall be detained longer in jail than is necessary to allow a reasonable time to the persons so notified, after they shall have received such notice, to apply for and obtain the proper requisition for the persons so committed. [66 v. 319, § 213.]

#### BAIL.

Sureties in  
recognizance  
required to  
justify.

SEC. 30. A court or officer required to take or accept any bail or recognizance, or to approve the sureties offered on any bond or recognizance, may require any person offered as surety thereon to make affidavit of his qualifications, or to be examined orally under oath touching the same; and such court or officer may take such affidavit or administer such oath. [71 v. 27, § 1.]

Qualifica-  
tions of  
sureties.

SEC. 31. One surety in every such bond or recognizance must be a resident of the county in which the prosecution is pending, and the sureties must be worth double the sum to be secured, and must have property in this state liable to execution equal to the sum to be secured. When two or more sureties are offered to the same bond or recognizance they must have in the aggregate the qualifications provided in this section. [71 v. 27, § 2.]

Recogni-  
zance—its  
conditions,  
etc.

SEC. 32. If the offense for which the prisoner is held to answer be bailable, and the prisoner offer sufficient bail, a recognizance shall be taken for his appearance to answer the charge before the court of common pleas on the first day of the next term thereof, or before the probate court, if that court has jurisdiction of the offense, on the first day of the next term thereof for the trial of criminal cases, and not depart without leave; or, if such court is at the time in session, the recognizance shall require the accused to appear forthwith before it; but no recognizance requiring the accused to appear at the next term shall be rendered invalid by the fact [that] such court is in session. [66 v. 294, §§ 43, 44.]

Prisoner may  
be held to an-  
swer for a  
higher crime  
than charg-  
ed.

SEC. 33. If, on the examination, it appear to the magistrate that the accused has committed an offense of a higher grade than that charged, he may be held to answer therefor. [66 v. 294, § 45.]

Proceedings  
when prison-  
er fails to  
give bail.

SEC. 34. If the offense be not bailable, or sufficient bail be not offered, the prisoner shall be committed to the jail of the county in which the same is to be tried, there to remain until he be discharged by due course of law. [66 v. 294, § 46.]

SEC. 35. When a transcript or recognizance is received by the clerk, he shall enter the case upon the appearance

docket of the court, together with the date of the filing of the transcript or recognizance, the date and amount of the recognizance, the names of the sureties, and the costs; whereupon such recognizances shall be considered as of record in such court; and proceeded on by process issuing out of said court in the same manner as if the same had been entered into before such court; and when any court having cognizance of an offense shall take a recognizance, it shall be a sufficient record thereof to enter upon the journal of such court the title of the case, the crime charged, the names of the sureties, the amount of such recognizance, and the time therein required for the appearance of the accused; but in making up the complete record, when one is required to be made, all recognizances, whether returned to or taken in such court, shall be recorded in full, if required by the prosecuting attorney or the accused. [69 v. 17, § 1]

SEC. 36. When any person shall have been committed to jail, charged with the commission of an offense, and wishes to be discharged from such imprisonment, the sheriff or jailer shall forthwith give [to] the probate judge, clerk, and prosecuting attorney of the proper county, at least three days' notice of the time of holding an examining court, whose duty it shall be to attend, according to such notice, at the court-house; and said judge, having examined the witness (the person charged included, if such person request an examination), shall discharge the accused if he find there is no probable cause for holding him to answer; otherwise he shall admit him to bail or remand him to jail; and the probate judge shall have power to adjourn from day to day during such examination, or for such longer period as he may deem necessary for the furtherance of justice, on good cause shown by the state or the accused. [66 v. 294, § 48.]

SEC. 37. If, at any time before the indictment of any person confined in jail, charged with an offense, notice in writing be given by any citizen, to the sheriff or jailer, that such person was insane or an idiot at the time the offense was committed, or has since become insane, such sheriff or jailer shall forthwith give the notices, and an examining court shall be held, as provided in the last section; and if the judge find that such person was an idiot when he committed the offense, or was then and still is insane, or afterward became and still is insane, he shall, at his discretion, proceed as required by law after inquest held. [71 v. 46, § 1; 72 v. 80, § 1.]

SEC. 38. If the examining court adjudge that the prisoner ought to be held to bail, it shall order him to enter into a recognizance, in such sum and with such sureties as it deems sufficient, conditioned for his appearance at the next term of the court which has cognizance of the offense, and in default thereof he shall be remanded to jail. If the court to which the accused is recognized is in session, the recognizance shall require him to appear before it forthwith, and

Duties of clerk on receipt of recognizance and record.

Examining court to be held by probate judge—when and how.

When accused was insane or an idiot at commission of offense.

Proceedings when prisoner held to bail.



not depart without leave. And in all cases when the prisoner is remanded or held to bail, the court shall require the witnesses against him to enter into recognizance to appear at the proper court, as provided in this title; and on taking the recognizance of witnesses the clerk shall enter upon the journal the title of the case, the names of witnesses recognized, the amount severally fixed as to each, the sureties, if any, and the time when such witnesses are required to appear; and such entry shall be sufficient record of such recognizance. [69. v. 17, § 1.]

**Duty of court when prisoner fails to give security.**

SEC. 39. The examining court shall, if the prisoner fail to give security, order the clerk to enter on the journal of the court to which the defendant is recognized to appear, in what sum and with [what] sureties he may be recognized; and at any time thereafter, upon the prisoner giving such security as required by the examining court, any judge of the superior court, court of common pleas, or the probate judge of the proper county may discharge him. [66 v. 295, § 50.]

**Proceedings to discharge prisoner on recognizance.**

SEC. 40. When any person charged with the commission of any bailable offense, or in default of a recognizance to keep the peace, shall be confined in jail, whether committed by warrant under the hand of any judge or magistrate, or by the sheriff or coroner under a warrant upon indictment found, or otherwise, any judge of the supreme court, or of the common pleas court within his district, or probate judge within his county, may admit such person to bail, by taking his recognizance in such sum and with such sureties as to such judge may seem proper, conditioned for his appearance before the proper court to answer the offense wherewith he may be charged; and for taking such bail the judge may, by his special warrant under his hand, require the sheriff or jailer to bring such accused before him, at the court-house of the proper county, at such time as in such warrant the judge may direct: provided, that in fixing the amount of bail the judge shall be governed, in the amount and quality of bail required, by the direction of the court of common pleas, in all cases where said court of common pleas may have made any order or direction in that behalf. [66 v. 295, § 51.]

**Deposit of recognizance and discharge of prisoner.**

SEC. 41. In all cases when a judge or examining court recognizes a prisoner under the provisions of this title, he shall forthwith deposit with the clerk of the proper court the recognizance so taken, and also a warrant, directed to the jailer, requiring him to discharge the prisoner. [66 v. 295, § 52.]

**Judges of criminal courts to have concurrent jurisdiction with probate judge.**

SEC. 42. The judge of the court of criminal jurisdiction in each county in this state shall have concurrent jurisdiction with the probate judge of such county, in all matters wherein, by this title, jurisdiction is conferred on such probate judge. [66 v. 295, § 53.]

SEC. 43. When any sheriff or other officer is charged

with the execution of a warrant issued on any indictment for a misdemeanor, he shall, during the vacation of the court from which the writ issued, have authority to take the recognizance of the person so indicted, together with sufficient sureties, resident and freeholders in the county from which such writ issued, in a sum of not less than fifty nor more than five hundred dollars, conditioned for the appearance of such person on the first day of the next term of such court. [66 v. 295, § 54.]

SEC. 44. The sheriff or other officer shall return the writ according to the command thereof, with the name of the surety or sureties, together with the recognizance taken as aforesaid; and the recognizance so taken and returned shall be filed and recorded by the clerk of the court to which the same was returned, and may be proceeded on in the same way as if such recognizance had been taken in said court, during term time. [66 v. 296, § 55.]

SEC. 45. When any person has been indicted for a felony, and has not been arrested, or recognized to appear before the court, the court may, at its discretion, make an entry on the journal fixing the amount in which the party indicted may be recognized for his appearance by any officer charged with the duty of arresting him. [66 v. 296, § 56.]

SEC. 46. The clerk issuing a warrant on such an indictment shall indorse thereon the sum in which the recognizance of the accused was or ordered, as aforesaid, to be taken. [66 v. 296, § 57.]

SEC. 47. The officer charged with the execution of such warrant shall take the recognizance of the party accused in the sum ordered, together with good and sufficient surety, conditioned for the appearance of the accused at the return of the writ before the court out of which the same is issued; and such officer shall return such recognizance to the court, to be recorded and proceeded on as provided in this chapter. [66 v. 296, § 58.]

SEC. 48. When any person who is surety in a recognizance for the appearance of any defendant before any court desires to surrender the defendant, he shall, by delivering the defendant in open court, be discharged from any further responsibility on said recognizance; and the defendant shall be committed by the court to the jail of the county, unless he give a new recognizance, with good and sufficient surety, in such amount as the court may determine, conditioned as the original recognizance. [66 v. 296, § 59.]

SEC. 49. When a surety desires to deliver up the defendant in vacation, the surrender shall be made of such defendant to any judge of the court before which he has been recognized to appear, or to the probate judge of the proper county, and shall be made in the court-house of such county; and upon such surrender being made the judge shall make out, sign, and deliver to the sheriff, or some constable of the county, a warrant for the commitment of such defendant to

Recognizance may be taken by officer if offense a misdemeanor.

Return thereof, and the writ.

On indictment for felony, court may order amount of recognizance;

Which shall be indorsed on warrant by clerk.

Officer to take recognizance accordingly, etc.

When and how surety in recognizance may deliver up defendant.

Delivering up defendant in vacation.

- the jail of the county, unless he immediately enter into a recognizance, with sufficient surety, according to the original recognizance, which recognizance such judge shall take and approve, and return to the clerk of the court to which the defendant was originally recognized, to be proceeded on the same as if it had been taken in term time. [66 v. 296, § 60.]
- Return of recognizance.** Sec. 50. All recognizances taken during vacation, by any judge or other officer authorized to take the same, shall be signed and sealed by the parties, and certified to by the officer taking the same. [66 v. 297, § 61.]
- Proceedings when party recognized fails to appear.** Sec. 51. When any person under recognizance in any criminal prosecution, either to appear and answer, or testify, in any court, fails to perform the condition of such recognizance, his default shall be recorded, and the recognizance forfeited in open court. [71 v. 17, § 1.]
- Forfeited recognizances to be returned to auditor.** Sec. 52. Probate judges, prosecuting attorneys, clerks of the court of common pleas, clerks of the police court, justices of the peace, and other magistrates, shall return to the county auditor of their respective counties all forfeited recognizances in criminal cases immediately after forfeiture. [68 v. 31, § 1.]
- Auditor to make abstract of and deliver same to prosecuting attorney.** Sec. 53. The county auditor shall make, in a book to be kept for that purpose, a memorandum of all recognizances returned to him, including the court in which taken, the name of the case, the names of all parties, the amount and date, the person to whom and time when delivered, and the final disposition thereof; and thereupon he shall immediately deliver the same to the prosecuting attorney, and take his receipt therefor. [68 v. 31, §§ 2, 3.]
- Prosecuting attorney to prosecute action on recognizance.** Sec. 54. The prosecuting attorney shall prosecute all recognizances by him received, by civil action, for the penalty thereof; and such action shall be governed by the provisions of the code of civil procedure, so far as the same may be applicable. [66 v. 297, § 63.]
- Court may remit or reduce penalty—when.** Sec. 55. The court in which the action for the penalty of any forfeited recognizance is brought may remit or reduce any part or the whole of such penalty, and may render judgment thereon according to the circumstances of the case and the situation of the party, and upon such terms and conditions as to such court may seem just and reasonable. [66 v. 297, § 64.]
- Court may remit or reduce judgment entered thereon.** Sec. 56. Whenever a judgment has been rendered against the defendants, for the whole or any part of the penalty of a forfeited recognizance, the court rendering judgment may remit or reduce the amount thereof, when it is made to appear that after the rendition thereof the accused had been arrested and surrendered to the proper court, to be tried on such charge. [66 v. 297, § 65.]
- What shall not defeat an action on recognizance.** Sec. 57. No action brought on a recognizance, as mentioned in section fifty-four, shall be barred or defeated, nor shall judgment thereon be reversed, by reason of any neglect or omission to note or record the default, nor by reason of any defect in the form of the recognizance; if it sufficiently

appear from the tenor thereof at what court the party or witness was bound to appear, and that the court or officer before whom it was taken was authorized by law to require and take such recognizance. [66 v. 297, § 66.]

SEC. 58. Recognizances substantially in the forms following shall be deemed sufficient:

Forms of recognizances.

#### RECOGNIZANCE OF THE ACCUSED.

THE STATE OF OHIO, ——— COUNTY, SS.

Be it remembered, that on the — day of —, in the year —, E. F. and G. H. personally appeared before me, and jointly and severally acknowledged themselves to owe the state of Ohio the sum of — dollars, to be levied of their goods and chattels, lands and tenements, if default be made in the condition following, to wit: The condition of this recognizance is such that if the above bound E. F. shall personally be and appear before the court of common pleas, on the first day of the next term thereof [or, if the probate court has jurisdiction of the matter or offense, on the first day of the next term of the probate court for the trial of criminal cases, or, if such court is at the time in session, the recognizance shall require the accused to appear forthwith before it], then and there to answer a charge of [here name the offense with which the accused is charged], and abide the judgment of the court, and not depart without leave, then this recognizance shall be void; otherwise it shall be and remain in full force and virtue in law.

For accused.

Taken and acknowledged before me, on the day and year above written.

A. B., Justice of the Peace.

#### RECOGNIZANCE OF WITNESS.

THE STATE OF OHIO, ——— COUNTY, SS.

Be it remembered, that on the — day of —, in the year —, E. F. and G. H. personally appeared before me, and jointly and severally acknowledged themselves to owe the state of Ohio the sum of — dollars, to be levied of their goods and chattels, lands and tenements, if default be made in the condition following, to wit: The condition of this recognizance is such that if the above bound E. F. shall personally be and appear before the court of common pleas on the first day of the next term thereof [or, if the probate court has jurisdiction of the matter or offense, on the first day of the next term of the probate court for the trial of criminal cases, or, if such court is at the time in session, the recognizance shall require the [witness] accused to appear forthwith before it], then and there to give evidence and the truth to say on behalf of the state, touching such matters as shall then and there be required of him, and not depart the court without leave, then this recognizance shall be void; otherwise it shall remain in full force and virtue in law.

For witnesses.

Taken and acknowledged before me, on the day and year above written.

A. B., *Justice of the Peace.*

TO KEEP THE PEACE.

THE STATE OF OHIO, — COUNTY, SS.

To keep the peace.

Be it remembered, that on the — day of —, in the year —, E. F. and G. H. personally appeared before me, and jointly and severally acknowledged themselves to owe the state of Ohio the sum of — dollars, to be levied of their goods and chattels, lands and tenements, if default be made in the condition following, to wit: The condition of this recognizance is such that if the above bound E. F. shall personally be and appear before the court of common pleas, on the first day of the next term thereof [or, *if the probate court has jurisdiction of the matter or offense, on the first day of the next term of the probate court for the trial of criminal cases, or, if such court is at the time in session, the recognizance shall require the accused to appear forthwith before it*], then and there to answer unto a complaint of C. D. that he has reason to fear, and does fear, that the said E. F. will [here state the charge in the complaint], and abide the order of the court thereon, and in the meantime to keep the peace and be of good behavior toward the citizens of the state generally, and especially toward the said C. D., then this recognizance shall be void; otherwise to be and remain in full force and virtue in law.

Taken and acknowledged before me, on the day and year above written.

A. B., *Justice of the Peace.*

[35 v. 87, § 33; S. & C. 817.]

Forms of commitment.

SEC. 59. Commitments substantially in the forms following shall be deemed sufficient:

COMMITMENT AFTER EXAMINATION.

THE STATE OF OHIO, — COUNTY, SS.

To the Keeper of the Jail of the County aforesaid, greeting:

After examination.

Whereas E. F. has been arrested, on the oath of C. D., for [here describe the offense], and has been examined by me on such charge, and required to give bail in the sum of — dollars for his appearance before the court of common pleas [or before the probate court, on the first day of the next term thereof for the trial of criminal cases, or forthwith, as the fact was], which requisition he has failed to comply with. [But this requisition of bail is only to be made in bailable offenses.] Therefore, in the name of the state of Ohio, I command you to receive the said E. F. into your custody, in the jail of the county aforesaid, there to remain until he be discharged by due course of law.

Given under my hand and seal, this — day of —, —.

A. B., *Justice of the Peace.*

## COMMITMENT PENDING EXAMINATION.

THE STATE OF OHIO, — COUNTY, SS.

*To the Keeper of the Jail of the County aforesaid, greeting :*

Whereas E. F. has been arrested, on the oath of C. D., for [here describe the offense according to the facts], and has been brought before me for examination, and the same has been necessarily postponed by reason of [here state the cause of delay according to the fact]. Therefore I command you, in the name of the state of Ohio, to receive the said E. F. into your custody, in the jail of the county aforesaid [or in such other place as said justice shall name], there to remain until discharged by due course of law.

Given under my hand and seal, this — day of —, —.

A. B., *Justice of the Peace.*

[35 v. 87, § 33 ; S. &amp; C. 818-19.]

Pending examination.

## CHAPTER 3.

## THE GRAND JURY, AND ITS PROCEEDINGS.

## SECTION

1. Clerk shall make true lists of the persons required to appear at court.
2. The court shall appoint a foreman.
3. Oath to foreman.
4. Oath to other jurors.
5. Charge of the court.
6. What the grand jury shall do.
7. Prosecuting attorney may have access to grand jury.
8. Court of common pleas may appoint counsel to aid in the prosecution of any case.
9. Common pleas or district court may appoint counsel to assist in the trial of any case pending therein.
10. The clerk to issue subpoenas for witnesses.
11. Oath of witnesses and certificate thereof.
12. Proceedings where witness before grand jury refuses to testify.

## SECTION

13. Court may proceed against him for contempt.
14. Court may appoint a grand juror in case of death, etc., of any one of the panel.
15. A new grand jury may be summoned.
16. The fact that indictment has been found to be kept secret.
17. No grand juror may testify as to what transpired in a jury-room.
18. How many must agree to the finding of a bill, etc.
19. When name of prosecuting witness to be indorsed on indictment.
20. Proceedings against prosecuting witness when accused is acquitted.
21. The grand jury to visit the jail.
22. Proceedings when indictments are returned to court.
23. Disposition of persons in jail and not indicted.

SECTION 1. Before the first day of each term of a court at which a grand jury is summoned to appear, the clerk of the court shall make two lists, on which he shall enter the names of all the persons who appear by the returns of the magistrates to have been either committed or bailed for an offense during the vacation of the court, the name of the

Clerk shall make two lists of the persons required to appear at court.

magistrate who committed or bailed, and distinguishing whether such person was committed or bailed; one of which lists shall be delivered by the judge to the foreman of the grand jury, and the other, together with all the transcripts and other documents returned by the magistrates, shall be delivered to the prosecuting attorney. [66 v. 298, § 67.]

The court shall appoint a foreman.

SEC. 2. When the grand jury is impaneled in the manner provided by law, the court shall appoint one of the number foreman. [66 v. 298, § 68.]

Oath to foreman.

SEC. 3. When the foreman shall have been appointed, an oath shall be administered to him in the following words: "Saving yourself and fellow jurors, you, as foreman of this grand inquest, shall diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge, or otherwise come to your knowledge, touching the present service. The counsel of the state, your own and your fellows, you shall keep secret, unless called on in a court of justice to make disclosures. You shall present no person through malice, hatred, or ill will, nor shall you leave any person unpresented through fear, favor, or affection, or for any reward, or hope thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding." [66 v. 298, § 69.]

Oath to other jurors.

SEC. 4. Thereupon the following oath shall be administered to the other grand jurors: "The same oath which A. B., your foreman, hath now taken before you on his part, you, and each of you, shall well and truly observe and keep on your respective parts." [66 v. 298, § 70.]

Charge of the court.

SEC. 5. The grand jurors after being sworn, shall be charged as to their duty by the judge, who shall call their attention particularly to the obligation of secrecy which their oaths impose, and explain to them the law applicable to such matters as are likely to be brought before them. [66 v. 298, § 70.]

What grand jury shall do.

SEC. 6. After the charge of the court, the grand jury shall retire, with the officer appointed to attend it, and shall proceed to inquire of and present all offenses whatever committed within the limits of the county in and for which it was impaneled and sworn. [66 v. 298, § 72.]

Prosecuting attorney may have access to grand jury.

SEC. 7. The prosecuting attorney, or the assistant prosecuting attorney, shall be allowed at all times to appear before the grand jury, for the purpose of giving information relative to any matter cognizable by it, or advice upon any legal matter when required; and he may interrogate witnesses before the jury when it or he deems it necessary; but no other person shall be permitted to remain in the room with the jury while the jurors are expressing their views, or giving their votes, on any matter before them. [69 v. 3, § 1.]

SEC. 8. The court of common pleas may, whenever it is of opinion that the public interest requires it, appoint an

attorney to aid the prosecuting attorney in any case; and the county commissioners shall pay such assistant such compensation for his services as the court approves, and [to] them seems just and proper. [53 v. 178, § 5; S. & C. 1153.]

SEC. 9. Except in counties having a population greater than one hundred thousand, the court of common pleas, or the district court, may, if it think necessary, during the term of court, appoint an attorney to assist the prosecuting attorney in the trial of any case pending before such court; and the auditor shall draw an order on the treasurer of the county in favor of such assistant, in such sum as the court may direct, not greater than twenty-five dollars. [62 v. 173, § 3; S. & S. 634]

SEC. 10. Whenever required by the grand jury or the prosecuting attorney, the clerk of the court in which such jury was impaneled shall issue subpoenas and other process to any county to bring witnesses to testify before the grand jury. [66 v. 299, § 74]

SEC. 11. Before a witness shall be examined by the grand jury, an oath shall be administered to him by the clerk, truly to testify of such matters and things as may lawfully be inquired of before such jury, a certificate whereof the clerk shall make, and deliver to the witness, who shall present the same to the foreman of the grand jury when he is admitted for examination. [68 v. 3, § 1.]

SEC. 12. If a witness appearing before a grand jury refuse to answer an interrogatory, the fact shall be communicated to the court in writing, in which the question refused to be answered shall be stated, together with the excuse for the refusal, if any be given, by the person interrogated; and the court shall thereupon determine whether the witness is bound to answer or not, and the grand jury shall be immediately informed of the decision. [66 v. 299, § 76.]

SEC. 13. If the court determine that the witness is bound to answer, and he persist in his refusal, he shall be brought before the court, who shall proceed in the same manner as if the witness had been interrogated and refused to answer in open court. [66 v. 299, § 77.]

SEC. 14. In case of the sickness, death, discharge, or non-attendance of any grand juror, after the grand jury is sworn, the court, at its discretion, may cause another to be sworn in his stead. [66 v. 299, § 78.]

SEC. 15. After the discharge of the grand jury, the court, when it is deemed necessary, may order the sheriff to call together a new grand jury, from the bystanders or neighboring citizens, of fifteen good and lawful men, having the qualifications of grand jurors, who shall be returned and sworn, and shall proceed in the manner provided by law. [66 v. 299, § 79.]

SEC. 16. No grand juror, nor officer of the court, shall disclose that an indictment has been found against any person not in custody or under bail, except by the issuing of pro-

Court of common pleas may appoint counsel to aid in the prosecution of any case. Common pleas or district court may appoint counsel to assist in the trial of a case pending therein. The clerk to issue subpoenas for witnesses.

Oath of witnesses, and certificate thereof.

Proceedings when witness before grand jury refuses to testify.

Court may proceed against him for contempt.

Court may appoint a grand juror in case of death, etc., of any one of the panel. A new grand jury may be summoned.

The fact that indictment has been found to be kept secret.



No grand juror may testify as to what transpired in jury room. How many must agree to the finding of a bill, etc.

When name of prosecuting witness to be indorsed on indictment.

Proceedings against prosecuting witness when accused is acquitted.

The grand jury to visit the jail.

Proceedings when indictments are returned to court.

cess, until the indictment is filed and the case docketed. [66 v. 299, § 80.]

SEC. 17. No grand juror shall be allowed to state or testify in any court in what manner he or other members of the grand jury voted on any question before them, or what opinion was expressed by any juror in relation to such question. [66 v. 299, § 81.]

SEC. 18. At least twelve of the grand jurors must concur in the finding of an indictment; and when so found, the foreman shall indorse on the indictment the words "A true bill," and subscribe his name thereon as foreman. [66 v. 299, § 82.]

SEC. 19. No indictment for a misdemeanor shall be found a true bill by a grand jury, unless the name of the prosecuting witness be indorsed thereon, unless such bill be found upon testimony sworn and sent before the grand jury at the request of the prosecuting attorney, or of the foreman of the grand jury, in which case the fact that the bill was so found shall be indorsed on the bill: provided, that this section shall not apply to an indictment for any offense defined in sections twelve and twenty inclusive, of chapter eight, of part four [68 v. 3, § 1.]

SEC. 20. In all cases in which the name of the prosecuting witness is indorsed on the indictment, and the same is found a true bill by the grand jury, and upon trial the defendant is acquitted, the prosecuting witness shall be liable for costs; and the court, at the term at which such acquittal takes place, or at any subsequent term, shall render judgment against the prosecuting witness for the costs, unless the court be of opinion that there were reasonable grounds for instituting the prosecution. [66 v. 300, § 84.]

SEC. 21. The grand jurors shall, once at each term of the court at which they may be in attendance, visit the county jail, examine its state and condition, and inquire into the discipline and treatment of the prisoners, their habits, diet, and accommodations; and it shall be their duty to report to the court, in writing, whether the rules prescribed by the judge have been faithfully kept and observed, and whether any provision of law for the regulation of county jails has been violated, pointing out particularly in what such violation, if any, consists. [66 v. 300, § 85.]

SEC. 22. Indictments found by a grand jury shall be presented by the foreman to the court, and shall be filed with the clerk, who shall indorse thereon the day of their filing, and shall enter each case upon the appearance docket, and also upon the trial docket of the term, as soon as the parties indicted have been arrested; and the court shall assign such indictments for trial at as early a time in such term as is practicable, and the recognizances of defendants and witnesses shall be taken for their appearance at the time so assigned; and when any case is continued to the next term

of the court, such recognizances shall require the appearance of the defendants and witnesses on such day thereof as the court may direct; and at the end of the term the clerk shall deliver the indictments undisposed of to the prosecuting attorney for safe keeping. [69 v. 18, § 1.]

SEC. 23. If a person held in jail charged with an indictable offense be not indicted at the term of court at which he is held to answer, he shall be discharged, unless he was committed on such charge after the discharge of the regular grand jury for the term, in which case the court, in its discretion, may discharge him, or order a new grand jury, or require him to enter into a recognizance, with sufficient surety, for his appearance before the court to answer such charge at the next term thereof; but the person so held in jail without indictment shall not be discharged if it appear to the court that any witness for the state has been enticed or kept away, or detained and prevented from attending court by sickness or unavoidable accident. [69 v. 168, § 1.]

Disposition  
of person in  
jail and not  
indicted.

## CHAPTER 4.

### INDICTMENTS AND PROCESS THEREON.

#### SECTION

1. Proceedings when two indictments pending against same defendant for same act.
2. Where person may be indicted for receiving stolen property.
3. Where certain offenders to be tried and punished.
4. What defects in an indictment are not fatal.
5. What is variance.
6. What are sufficient allegations in indictment for murder in the second degree and manslaughter.
7. What are sufficient allegations in indictment for forgery, etc.
8. What is a sufficient description in indictments in certain cases.
9. Description of instruments in other cases.
10. What averments sufficient in indictment for perjury.
11. What are sufficient allegations in an indictment for unlawfully selling liquor.
12. How an intent to defraud may be alleged.

#### SECTION

13. How joint ownership of property alleged.
14. How election to be averred.
15. Count for embezzlement, etc., in indictment for larceny.
16. How bank bills, etc., to be described.
17. Warrant on indictment, and arrest of accused.
18. Warrant when accused lives out of the county in which he is indicted.
19. Summons on indictment against corporations.
20. Warrant when accused escapes during trial.
21. When convict in penitentiary is indicted for an offense committed therein.
22. Certain convicts in penitentiary may be removed for sentence or trial.
23. The warrant for removal, and how executed.
24. Governor must approve the warrant before removal.
25. Where such convict to be confined.
26. To be returned to the penitentiary or executed.

## INDICTMENTS.

Proceedings when two indictments pending against same defendant for same act.

SECTION 1. If there be at any time pending against the same defendant two or more indictments for the same criminal act, the prosecuting attorney shall be required to elect upon which he will proceed; and upon trial being had thereon, the remaining indictment or indictments shall be quashed. [66 v. 301, § 88.]

Where person may be indicted for receiving stolen property.

SEC. 2. Whenever any person is liable to prosecution as the receiver of any personal property that has been feloniously stolen, taken, obtained, or embezzled, he may be indicted in any county where he received or had such property, notwithstanding the theft was committed in another county. [66 v. 301, § 89.]

Where certain offenders to be tried and punished.

SEC. 3. Whoever, with fire-arms, or by sending poison or other thing, or by other means, kills or injures any person in another state or county, or whoever gives any mortal blow to any person who dies in another state or county, shall be tried and punished in the county where the offender was at the time the poison or other thing was sent, or the force was used. [33 v. 33, § 37; S. & C. 416.]

What defects in an indictment are not fatal.

SEC. 4. No indictment shall be deemed invalid, nor shall the trial, judgment, or other proceeding be stayed, arrested, or in any manner affected, by the omission of the words "with force and arms," or any words of similar import; nor for the omission of the words "as appears by the record," nor for omitting to state the time at which the offense was committed, in any case in which time is not of the essence of the offense; nor for stating the time imperfectly; nor for want of a statement of the value or price of any matter or thing, or the amount of damages or injury, in any case where the value or price, or the amount of damages or injury, is not of the essence of the offense; nor for the want of an allegation of the time or place of any material fact, when the time and place have once been stated in the indictment; nor that dates and numbers are represented by figures; nor for an omission to allege that the grand jurors were impaneled, sworn, or charged; nor for any surplusage, or repugnant allegation, when there is sufficient matter alleged to indicate the crime or person charged; nor for want of averment of any matter not necessary to be proved; nor for any other defect or imperfection which does not tend to the prejudice of the substantial rights of the defendant upon the merits. [66 v. 301, § 90.]

What is variance.

SEC. 5. Whenever, on the trial of an indictment, there appears to be any variance between the statement in such indictment and the evidence offered in proof thereof, in the christian name or surname, or both christian name and surname, or other description whatever of any person whosoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, such variance shall not be deemed ground for an

acquittal of the defendant, unless the court before which the trial is had find that such variance is material to the merits of the case, or may be prejudicial to the defendant. [66 v. 301, § 91.]

SEC. 6. In an indictment for murder in the second degree, or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death was caused; but it shall be sufficient in an indictment for murder in the second degree to charge that the defendant did purposely and maliciously, and in an indictment for manslaughter that the defendant did unlawfully, kill the deceased. [66 v. 301, § 92.]

SEC. 7. In an indictment for falsely making, altering, forging, printing, photographing, uttering, disposing of, or putting off, any instrument, it shall be sufficient to set forth its purport and value. [66 v. 301, § 93.]

SEC. 8. In an indictment for engraving or making the whole or any part of any instrument, matter, or thing, or for using, or having the unlawful custody or possession of, any plate or other material upon which the whole or any part of any instrument, matter, or thing was engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing was made or printed, it shall be sufficient to describe such instrument, matter, or thing, by any name or designation by which the same may be usually known. [66 v. 302, § 94.]

SEC. 9. In all other cases, whenever it is necessary to make any averment in an indictment as to any instrument, whether the same consists, wholly or in part, of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof. [66 v. 302, § 95.]

SEC. 10. In an indictment for perjury, or subornation of perjury, it shall be sufficient to set forth the substance of the offense charged, and before what court or authority the oath was taken, averring such court or authority to have full power to administer the same, together with the proper averments to falsify the matters wherein the perjury is assigned, without setting forth any part of any record or proceeding, or the commission or authority of the court, or other authority, before which the perjury was committed. [33 v. 33, § 11; S. & C. 405.]

SEC. 11. In an indictment under sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, of chapter eight, title one, of this part, it shall not be necessary to allege the kind of liquor sold, nor to describe the place where sold; and in an indictment under said section fourteen, it shall not be necessary to allege the name of the person to whom intoxicating liquor was sold. [52 v. 153, § 13; S. & C. 1435.]

What are sufficient allegations in indictment for murder in the second degree and manslaughter.

What are sufficient allegations in indictment for forgery, etc.

What is a sufficient description in indictments in certain cases.

Description of instruments in other cases.

What averments sufficient in indictment for perjury.

What are sufficient allegations in an indictment for unlawfully selling liquor.

How an intent to defraud may be alleged.

SEC. 12. It shall be sufficient in an indictment where it is necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person or body corporate; and on the trial of such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with the intent to defraud. [66 v. 302, § 96.]

How joint ownership of property alleged.

SEC. 13. When an offense is committed upon, or in relation to, any property belonging to partners or joint owners, the indictment for such offense shall be deemed sufficient if it allege the ownership of such property to be in said partnership by its firm name, or in any one or more of such partners or owners, without naming all of them. [66 v. 302, § 97.]

How election to be averred.

SEC. 14. When an offense is committed in relation to any election, an indictment for such offense shall be deemed sufficient if it allege that such election was authorized by law, without stating the names of the officers holding the election, or the persons voted for, or the offices to be filled at such election. [66 v. 302, § 98.]

Count for embezzlement, etc., in indictment for larceny.

SEC. 15. An indictment for larceny may contain a count for obtaining the same property by false pretense, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to have been stolen, or any of such counts, and the jury may convict of either offense, and may find all or any of the persons indicted guilty of either of the offenses charged in the indictment. [66 v. 302, § 99.]

How bank bills, etc., to be described.

SEC. 16. In every indictment in which it is necessary to make an averment as to any money, or bank bill, or notes, United States treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority, and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof of any amount of coin, or of any such note, bill, currency, or bond, although the particular species of coin of which such amount was composed, or the particular nature of such note, bill, currency, or bond shall not be proved. [66 v. 302, § 100.]

#### PROCESS.

Warrant on indictment, and arrest of accused.

SEC. 17. A warrant may be issued in term time, or in vacation of the court, on any indictment found, and when directed to the sheriff of the county where such indictment was found, or presentment made, he may pursue and arrest the accused in any county where he may be found, and commit him to jail, or hold him to bail, as provided in this title. [68 v. 4, § 1.]

SEC. 18. When the accused resides out of the county in which the indictment was found, a warrant may issue thereon, directed to the sheriff of the county where the accused resides or may be found; and such officer shall arrest the accused, and convey him to the county from which such writ was issued, and there commit him to the jail, or hold him to bail, as provided in this title. [66 v. 303, § 102.]

Warrant when accused lives out of county in which he is indicted.

SEC. 19. When an indictment is presented against a corporation, a summons, commanding the sheriff to notify the accused thereof, and returnable on the seventh day after its date, shall issue on the precept of the prosecuting attorney; and such summons, together with a copy of the indictment, shall be served and returned in the manner provided for service of summons upon such corporation in civil actions; and the corporation, on or before the return day of a summons duly served, may appear by one of its officers, or by counsel, and answer to the indictment by motion, demurrer, or plea; and upon its failure to make such appearance and answer, the clerk shall enter a plea of "Not guilty;" and upon such appearance being made, or plea entered, the corporation shall be deemed thenceforth continuously present in court until the case is finally disposed of.

Summons and indictment against corporation.

SEC. 20. When the accused escapes, and forfeits his recognizance, at any time after the jury is sworn, a warrant reciting the facts may, at the request of the prosecuting attorney, issue to the sheriff of any county, who shall pursue and arrest the accused, and commit him to the jail of the county from which the writ issued, there to remain until he be discharged by due course of law.

Warrant when accused escapes during trial.

SEC. 21. When a convict in the penitentiary is indicted for an offense committed while confined therein, he shall remain in the custody of the warden of the penitentiary, subject to the order of the court of common pleas of Franklin county. [66 v. 321, § 222.]

When convict in penitentiary is indicted for offense committed therein.

SEC. 22. A convict in the penitentiary who has been convicted of a felony, and who escaped or forfeited his recognizance before receiving sentence therefor, or against whom an indictment for felony is pending, may be removed to the county in which such conviction was had, or such indictment is pending, for sentence or trial, upon the warrant of the court of such county; but this section shall not extend to the removal of a convict for life, except the sentence to be imposed, or the indictment pending against him, is for murder in the first degree. [66 v. 118, § 1; 63 v. 20, §§ 2, 5, S. & S. 521-2.]

Certain convicts in the penitentiary may be removed for sentence or trial.

SEC. 23. The warrant for removal shall be in the usual form (except that it shall set forth that the accused is in the penitentiary), and shall be directed to the sheriff of the county in which the conviction [conviction] was had, or the indictment is pending. When a copy thereof, including the approval of the governor indorsed thereon, shall have

The warrant for removal, and how executed.

been presented to the warden of the penitentiary, he shall deliver the convict to the sheriff, who shall convey him to such county, and commit him to the jail thereof; and for removing or returning such convict the sheriff shall receive fees at the rate allowed by law for conveying convicts to the penitentiary. [63 v. 20, §§ 2, 6; S. & S. 521-2]

Governor  
must ap-  
prove the  
warrant be-  
fore removal.

SEC. 24. The sheriff shall present the warrant to the governor, who, if he be satisfied that such convict ought to be removed for sentence or trial, shall indorse his approval thereon, and without such approval and indorsement the warden shall not surrender the convict. [63 v. 20, § 2; S. & S. 521.]

Where such  
convict to be  
confined.

SEC. 25. A convict so removed shall [shall] be securely kept in jail, subject [subject] only to be taken into court for sentence or trial; and if the case be continued, or the execution of the sentence be suspended, the court may order him to be returned for safe-keeping to the penitentiary by the sheriff, who shall deliver with him a certified copy of the order of the court to the warden, who shall again deliver him to the sheriff upon the order of the court, duly certified. [63 v. 20, §§ 3, 4; S. & S. 522.]

To be re-  
turned to the  
penitentiary  
or executed.

SEC. 26. If such convict be acquitted, he shall be forthwith returned by the sheriff to the penitentiary, there to serve out the remainder of his term; but if he be sentenced to imprisonment in the penitentiary, he shall forthwith be returned thereto by the sheriff, and his term of imprisonment thereupon shall begin to run from the expiration of the term for which he was imprisoned at his removal; or, if he be sentenced to death, such sentence shall be executed as if he were not under sentence of imprisonment in the penitentiary. [66 v. 20, § 3; S. & S. 522.]

## CHAPTER 5.

### PROCEEDINGS BETWEEN INDICTMENT AND TRIAL.

#### SECTION

1. Whether or not accused is insane may be tried to a special jury.
2. Proceedings on verdict of such jury.
3. Proceedings when accused is acquitted on the sole ground of insanity.
4. Proceedings when accused is restored to reason.
5. Copy of indictment to be served on accused.

#### SECTION

6. Court to assign counsel to defend indigent prisoner.
7. Payment of counsel assigned in cases of felony.
8. Accused to have reasonable time to except.
9. Exceptions to an indictment.
10. Motions to quash.
11. Plea in abatement.
12. Demurrer.

## SECTION

13. Accused not to be discharged when indictment quashed.
14. When defects waived.
15. Misnomer.
16. Prosecuting attorney may demur or reply to a plea in abatement.
17. After demurrer accused may plead.
18. How accused arraigned.
19. Pleas in bar.

## SECTION

20. Pleas in bar and abatement to be in writing.
21. Proceedings after verdict on the issue.
22. Proceedings on plea of guilty.
23. Proceedings on plea of not guilty.
24. Venue to be changed when impartial trial can not be had.
25. Proceedings on change of venue.
26. Warrant for transfer of prisoner.
27. Witnesses to be recognized.

## WHEN PRISONER INSANE.

SECTION 1. When the attorney of a person indicted for an offense, at any time before sentence, suggests to the court in which the indictment is pending, that such person is not then sane and a certificate of a respectable physician to the same effect is presented to the court, the court shall order a jury to be impaneled to try whether or not the accused is sane at the time of such impaneling; and thereupon a time shall be fixed for a trial, and a jury shall be drawn from the jury-box, and a venire issued, unless the prosecuting attorney or the attorney of the accused demand a struck jury, in which case such jury shall be selected and summoned as required by law. The jury shall be sworn to try the question whether the accused is or is not sane, and a true verdict give according to the law and the evidence; and on the trial the accused shall hold the affirmative. If three-fourths of the jurors agree upon a verdict, their finding may be returned as the verdict of the jury. A new trial may be granted on the application of the attorney of the accused, for the causes and in the manner provided in this title. [72 v. 80, § 1.]

Whether or not accused is insane may be tried to a special jury.

SEC. 2. If three-fourths of the jurors do not agree, or the verdict be set aside, another jury shall be impaneled to try the question. If the jury find the accused to be sane, and no trial has been had on the indictment, a trial shall be had thereon as if the said question had not been tried. If the jury find him to be not sane, that fact shall be certified by the clerk to the probate judge, and the accused shall, until restored to reason, be dealt with by such judge as upon inquest had; and if he be discharged, the bond given for his support and safe-keeping shall contain a condition that he shall, when restored to reason, answer to the offense charged in the indictment, or of which he has been convicted, at the next term of said court thereafter, and abide the order of the court; and such lunatic, when restored to reason, may be prosecuted for an offense committed by him previous to such insanity, or sentenced on a conviction had previous thereto. [72 v. 80, § 1.]

Proceedings on verdict of such jury.

SEC. 3. When a person tried upon an indictment for an



Proceedings when accused is acquitted on the sole ground of insanity.

offense is acquitted on the sole ground that he was insane, that fact shall be found by the jury in the verdict, and it shall be certified by the clerk to the probate judge; and the defendant shall not be discharged, but forthwith delivered to the probate judge, to be proceeded against upon the charge of lunacy, and the verdict shall be *prima facie* evidence of his insanity. [53 v. 81, §§ 55, 56, 57; S. & C. 849-850.]

Proceedings when accused is restored to reason.

SEC. 4. When a lunatic confined in an asylum or an infirmary, under the provisions of section two of this chapter, or section thirty-seven, chapter two, of this title, is restored to reason, the superintendent having him in charge shall notify the prosecuting attorney of the proper county of the fact, who shall, within a reasonable time, cause the clerk of the court to issue a *capias*, upon which the accused may be arrested and committed to the jail of the county, to answer the offense charged against him; and in default of such *capias*, the superintendent shall discharge him. [53 v. 81, § 54; S. & C. 849.]

#### PLEAS TO THE INDICTMENT.

Copy of indictment to be served on accused.

SEC. 5. Within three days after the filing of an indictment for felony, and in every other case on request, the clerk shall make and deliver to the sheriff, or the defendant, or his counsel, a copy of the indictment; and the sheriff, on receiving such copy, shall serve the same on the defendant; and no person, without his assent, shall be arraigned or called on to answer to an indictment until one day shall have elapsed after receiving, or having an opportunity to receive, in person or by counsel, a copy of the indictment against him. [68 v. 4, § 1.]

Court to assign counsel to defend indigent prisoner.

SEC. 6. After a copy of the indictment has been served, or opportunity had for receiving the same, as provided in the last section, the accused shall be brought into court; and if he be without counsel, and unable to employ any, the court shall assign him counsel, not exceeding two, who shall have access to the accused at all reasonable hours, but such counsel shall not be a partner, in the practice of the law, of the attorney having charge of the prosecution. [71 v. 13, § 1; 72 v. 46, § 1.]

SEC. 7. Counsel so assigned in any case of felony shall be paid for their services by the county, and may receive therefor, in any case of homicide, not exceeding one hundred dollars, and in any other case of felony, not exceeding fifty dollars; but the auditor shall not draw an order on the treasurer for the payment of any such counsel until his account for such service has been presented to and allowed by the commissioners. [72 v. 46, § 1; 42 v. 28, § 1; S. & C. 94.]

SEC. 8. Thereupon the court shall allow the accused a reasonable time to examine the indictment, and prepare exceptions thereto. [66 v. 304, § 105.]

Accused to have reasonable time to except.

SEC. 9. The accused may except to an indictment by—first, a motion to quash; second, a plea in abatement; and, third, a demurrer [66 v. 304, § 106.]

Exception to an indictment.

SEC. 10. A motion to quash may be made in all cases, when there is a defect apparent upon the face of the record, including defects in the form of the indictment, or in the manner in which an offense is charged. [66 v. 304, § 107.]

Motion to quash.

SEC. 11. A plea in abatement may be made when there is a defect in the record, which is shown by facts extrinsic thereto. [66 v. 304, § 108.]

Plea in abatement.

SEC. 12. The accused may demur when the facts stated in the indictment do not constitute an offense punishable by the laws of this state, or when the intent is not alleged, when proof of it is necessary to make out the offense charged. [66 v. 304, § 109.]

Demurrer.

SEC. 13. When a motion to quash, or a plea in abatement, has been adjudged in favor of the accused, he may be committed, or held to bail in such sum as the court may require for his appearance at the first day of the next term of the court. [66 v. 304, § 110.]

Accused not to be discharged when indictment quashed, etc.

SEC. 14. The accused shall be taken to have waived all defects which may be excepted to by a motion to quash, or a plea in abatement, by demurring to an indictment, or pleading in bar, or the general issue. [66 v. 304, § 111.]

When defects waived.

SEC. 15. If the accused plead in abatement that he is not indicted by his true name, he must plead what his true name is, which shall be entered on the minutes of the court; and after such entry the trial, and all other proceedings on the indictment, shall be had against him by that name, referring also to the name by which he is indicted, in the same manner in all respects as if he had been indicted by his true name. [66 v. 304 § 112.]

Misnomer.

SEC. 16. To a plea in abatement the prosecuting attorney may demur, if it is not sufficient in substance, or he may reply, setting forth any facts which may show that there is no defect in the record as charged in the plea. [66 v. 304, § 113.]

Prosecuting attorney may demur or reply to a plea in abatement.

SEC. 17. After a demurrer to an indictment has been overruled, the accused may plead "not guilty," or in bar. [66 v. 304, § 114.]

After demurrer accused may plead.

#### ARRAIGNMENT.

SEC. 18. The accused shall be arraigned by reading to him the indictment, unless, when the indictment is for a misdemeanor, and the charge is made known to him, he waive the

How accused arraigned.

reading, and he shall then be asked whether he is guilty or not guilty of the offense charged. [68 v. 3, § 1.]

Pleas in bar.

SEC. 19. The accused may then offer a plea in bar to the indictment, that he has before had judgment of acquittal, or has been convicted or pardoned for the same offense; and to this plea the prosecuting attorney may reply that there is no record of such acquittal or conviction, or that there has been no pardon; and the issue thus made shall be tried to a jury, and on such trial the accused must produce the record of such conviction or acquittal, or the pardon, and prove that he is the same person charged in the record, or mentioned in the pardon; and he shall be permitted to adduce such other evidence as may be necessary to establish the identity of the offense. [66 v. 304, § 116.]

Pleas in bar and abatement to be in writing.

SEC. 20. No plea in bar or abatement shall be received by the court unless it be in writing, signed by the accused, and sworn to before some competent officer. [66 v. 305, § 117.]

Proceedings after verdict on the issue.

SEC. 21. If the issue on the plea in bar be found for the accused, he shall be discharged; if it be found against him, or if, upon the arraignment, he offer no plea in bar, he shall plead "guilty" or "not guilty;" but if he plead evasively, or stand mute, he shall be taken to have plead "not guilty." [68 v. 4, § 1.]

Proceedings on plea of guilty.

SEC. 22. If the accused plead "guilty," the plea shall be entered on the indictment, and the accused shall be placed in the custody of the sheriff until sentence. [66 v. 305, § 119.]

Proceedings on plea of not guilty.

SEC. 23. If the accused plead "not guilty," the plea shall be entered on the indictment, and the prosecuting attorney shall, under the direction of the court, designate a day for trial, which shall be a day of the term at which the plea is made, unless the court, for good reasons, continue the case to a subsequent term. [66 v. 305, § 120.]

#### CHANGE OF VENUE.

Venue to be changed when an impartial trial can not be had.

SEC. 24. All criminal cases shall be tried in the county where the offense was committed, unless it appear to the court, by affidavits, that a fair and impartial trial can not be had therein; in which case the court shall direct that the person accused be tried in some adjoining county. [66 v. 305, § 121.]

Proceedings on change of venue.

SEC. 25. When the venue is changed, the clerk of the county in which the indictment was found shall make a certified transcript of all the proceedings in the case, which, together with the original indictment, he shall transmit to the clerk of the court of the county to which the case is sent;

and the trial shall be conducted in all respects as if the indictment had been found in that county. The prosecuting attorney of the county in which the indictment was found shall take charge of and try the case; and the court, on application, may appoint one or more attorneys to assist the prosecuting attorney in the trial, and allow such compensation as it deems reasonable. The cost accruing from a change of venue, including the compensation of the attorneys appointed to assist the prosecuting attorney, and the reasonable expenses of the prosecuting attorney incurred in consequence of such change of venue, shall be allowed and paid by the commissioners of the county in which such indictment was found. [68 v. 105, § 1.]

Costs on  
change of  
venue.

SEC. 26. When a court has ordered a change of venue, a warrant shall be issued by the clerk, directed to the sheriff, commanding him to convey the prisoner to the jail of the county where he is to be tried, there to be safely kept by the jailer thereof until discharged by due course of law; and when the defendant is charged with a crime or offense bailable by law, and is at the date of the order changing the venue under bonds for his appearance at the county from which the venue is changed, the court in the order may fix the amount of recognizance such defendant shall give for his appearance at the first day of the next term of the court to which the venue is changed, and the clerk shall take the same as in other cases, and forward the recognizance with the record [66 v. 305, § 123.]

SEC. 27. When a change of venue is ordered, the court shall recognize the witnesses on the part of the state to appear before the court in which the prisoner is to be tried. [66 v. 305, § 124.]

Witnesses to  
be recog-  
nized.

## CHAPTER 6.

### TRIAL, AND PROCEEDINGS INCIDENT THERETO.

#### SECTION.

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2. Venire for additional jurors.
3. Court may order additional names to be drawn.
4. Service and return of venire.
5. Proceedings when two or more persons are indicted for a capital offense.
6. Peremptory challenges for the accused.
7. Copy of panel to be given the accused.
8. Challenge of the state, and for cause.
9. What shall be a lawful jury for the trial of a person charged with a capital offense.

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11. Challenge in cases where no other provision is made.
12. Causes of challenge of jurors.
13. Challenges for cause; when made, and to be tried by the court.
14. Each defendant to be allowed peremptory challenges.
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17. Court may order view of place.
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19. Witness must disclose his connection with certain offenses.
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21. Subpoena for witnesses to issue to any county.
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23. How attendance of witnesses shall be enforced, etc.
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25. Keeper to take witness before court.
26. Witness may be placed in jail; how costs paid
27. Deposition of witnesses for defendant may be taken in certain cases.
28. How examination shall be conducted, etc.
29. When court may order the discharge of a defendant to give evidence for the state or another accused.
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33. Order of proceedings on trial.
34. When accused may be tried in his absence.
35. Separate trials in cases of felony.
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40. Duty of the supreme court.
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42. Prisoner indicted—when to be discharged.
43. Persons indicted and held to bail—when to be discharged.
44. Proceedings on application to discharge.

## JURIES.

Venire for jury in capital cases.

SECTION 1. When a person indicted for a capital offense has pleaded not guilty, the clerk, on the precept of the prosecuting attorney, shall draw from the jury-box, as in other cases, thirty-six ballots, and issue to the sheriff a venire for the persons whose names are so drawn, for the day fixed for the trial, which shall be served and returned by the sheriff at least fifteen days before that day; and if a person named therein be dead, insane, absent, removed from the county, or not an elector of the county, or has been convicted of a felony and not pardoned, the sheriff shall note the fact in his return. [72 v. 4, § 1.]

Venire for additional jurors.

SEC. 2. If it appear to the clerk, by the return of the sheriff, that any person named in the venire is dead, insane, absent, removed from the county, or not an elector of the county, or has been convicted of a felony and not pardoned, the clerk shall draw from the box a number of ballots equal to double the number of persons dead, absent, or disqualified, and issue to the sheriff a venire for them, for the day fixed for the trial, which the sheriff shall serve, and return as soon as may be, and in the manner provided in the last section; and if it appear to the clerk, from such return, that the names of thirty-six qualified jurors are not in the venires, he shall draw ballots and issue venires, to be served and returned in like manner, till the required number is summoned. [72 v 4, § 1.]

Court may order additional names to be drawn.

SEC. 3. The first thirty-six jurors who answer to their names at the trial, and who are without the disqualifications named in the last section, shall constitute the panel; but if, upon the impaneling of the jury, it appear to the court that

there are not thirty-six jurors without the disqualifications aforesaid, summoned and present, the court may, and upon motion of the defendant shall, order the clerk to draw from the box, as in other cases, a sufficient number of ballots to make the number of competent jurors thirty-six. [72 v. 4, § 1.]

SEC. 4. The sheriff shall serve and return the venire as is provided for the service and return of such writs in other cases. [66 v. 306, § 126.]

SEC. 5. In all cases where two or more persons are jointly indicted for the commission of an offense the punishment whereof is capital, each person shall be separately tried and the clerk shall make out a venire, as provided in sections one and two of this chapter, for the trial of each person indicted. [66 v. 306, § 127.]

SEC. 6. Every person indicted as aforesaid, and who has pleaded not guilty, shall be entitled to challenge twenty-three of the jurors peremptorily. [66 v. 306, § 128.]

SEC. 7. A copy of the panel of the jury returned by the sheriff shall be delivered to every person so indicted, at least three days before the day of trial. [66 v. 307, § 129.]

SEC. 8. The prosecuting attorney may peremptorily challenge two of the panel, and he and the defendant may challenge jurors for cause. [66 v. 307, § 130.]

SEC. 9. The jurors summoned, as provided by sections one, two, and three of this chapter, or such of them as are not set aside on challenge, together with so many of the bystanders having the qualifications aforesaid as will make up the number of twelve, or, if the whole array be set aside, twelve of such bystanders having the qualifications aforesaid as may not be set aside on challenge, shall be a lawful jury for the trial of a prisoner charged with an offense the punishment of which is capital. [66 v. 307, § 131.]

SEC. 10. In all other criminal cases the jury summoned and impaneled according to the provisions of the laws in force relating to the summoning and impaneling of juries in other cases, shall try the accused. [66 v. 307, § 132.]

SEC. 11. Except as otherwise provided, the prosecuting attorney and every defendant may peremptorily challenge two of the panel, and any of the panel for cause. [66 v. 307, § 133.]

SEC. 12. The following shall be good causes for challenge to any person called as a juror on any indictment:

1. That he was a member of the grand jury which found the indictment.

2. That he has formed or expressed an opinion as to the guilt or innocence of the accused; but if a juror state that he has formed or expressed an opinion as to the guilt or innocence of the accused, the court shall thereupon proceed to examine such juror, on oath, as to the ground of such opinion, and if it appears to have been founded upon reading newspaper statements, communications, comments, or re-

Service and return of venire.

Proceedings when two or more persons are indicted for a capital offense.

Peremptory challenges for the accused. Copy of panel to be given the accused. Challenge of the state, and for cause.

What shall be a lawful jury for the trial of a person charged with a capital offense.

What shall be a lawful jury in other criminal cases.

Challenge in cases where no other provision is made.

Causes of challenge of jurors.

ports, or upon rumor or hearsay, and not upon conversations with witnesses of the transactions, or reading reports of their testimony, or hearing them testify, and the juror shall say, on oath, that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that said juror is impartial and will render such verdict, may, in its discretion, admit such juror as competent to serve in such case.

Further  
causes.

3 In indictments for an offense the punishment whereof is capital, that his opinions are such as to preclude him from finding the accused guilty of an offense punishable with death.

4. That he is related within the fifth degree to the person alleged to be injured, or attempted to be injured, by the offense charged, or to the person on whose complaint the prosecution was instituted, or to the defendant.

5. That he has served on a petit jury which was sworn in the same cause against the same defendant, and which jury was discharged after hearing the evidence, or rendered a verdict which was set aside.

6. That he served as a juror in a civil case brought against the defendant for the same act.

7. That he has been, in good faith, subpoenaed as a witness in the case

8 That he is an habitual drunkard.

9. The same challenges shall be allowed in criminal prosecutions that are allowed to parties in civil cases. [66 v. 11, § 1.]

Challenges  
for cause—  
when made,  
and to be  
tried by the  
court .

SEC. 13. All challenges for cause shall be tried by the court, on the oath of the person challenged, or on other evidence, and shall be made before the jury is sworn. [66 v. 307, § 135.]

Each defend-  
ant to be al-  
lowed per-  
emptory  
challenges.

SEC. 14. If two or more persons be put on trial at the same time, each must be allowed his separate peremptory challenges. [66 v. 307, § 136.]

Form of oath  
to jury.

SEC. 15. When all challenges have been made, the following oath shall be administered: "You shall well and truly try, and true deliverance make, between the state of Ohio and the prisoner at the bar (giving his name): so help you God." [66 v. 307, § 137.]

Affirmation.

SEC. 16. A juror shall be allowed to make affirmation; and the words "this you do as you shall answer under the pains and penalties of perjury," shall be substituted instead of the words "so help you God."

#### EVIDENCE.

Court may  
order view  
of place.

SEC. 17. Whenever in the opinion of the court it is proper for the jurors to have a view of the place at which any material fact occurred, it may order them to be conducted in a body, under the charge of the sheriff, to the place, which shall be shown to them by some person appointed by the court. While the jurors are thus absent no person other

than the sheriff having them in charge, and the person appointed to show them the place, shall speak to them on any subject connected with the trial. [66 v. 318, § 206.]

SEC. 18. No person shall be disqualified as a witness in any criminal prosecution by reason of his interest in the event of the same, as a party or otherwise, or by reason of his conviction of any crime; but such interest or conviction may be shown for the purpose of affecting his credibility. [66 v. 308, § 139.]

Who competent to testify.

SEC. 19. If any person called to testify on behalf of the state, before any justice of the peace, grand jury, or court, upon any complaint, information, or indictment, for any offense defined in sections four, five, six, seven, eight, nine, ten, or eleven of chapter eight, title one, part four, disclose any fact tending to criminate himself in any matter made punishable by said sections, he shall thereafter be discharged from all liability to prosecution or punishment for such matter of offense; and a person to whom intoxicating liquor was sold in violation of law shall be a competent witness to prove such fact, or any other tending thereto. [66 v. 318, § 207; 52 v. 153, § 13. S. & C. 1435.]

Witness must disclose his connection with certain offenses.

SEC. 20. On the trial of all indictments, complaints, and other proceedings, against a person charged with the commission of an offense, the person so charged shall, at his own request, but not otherwise, be a competent witness; but his neglect or refusal to testify shall not create any presumption against him, nor shall any reference be made to, nor any comment upon, such neglect or refusal. [66 v. 308, § 140.]

The defendant may testify.

SEC. 21. In all criminal cases it shall be the duty of the clerk, upon a precept being filed, to issue writs of subpoena for all witnesses named therein, directed to the sheriff of his county, or of any county where the witnesses reside, or may be found, which shall be served and returned as in other cases; and the sheriff, by writing indorsed on the writs, may depute any disinterested person to serve and return the same. [66 v. 308, § 141.]

Subpoena for witnesses to issue to any county.

SEC. 22. If the subpoena be served by a person so deputized, he shall return thereon the manner in which the same was served, and also make oath to the truth of the return before some person competent to administer oaths, which shall be indorsed on the writ; and the subpoena shall be returned according to the command thereof, by the person serving the same, through the post-office or otherwise. [66 v. 308, § 142.]

When return shall be verified by oath.

SEC. 23. Except as otherwise provided, the provisions of the code of civil procedure relative to compelling the attendance and testimony of witnesses, their examination, and the administering of oaths and affirmations, and proceedings for contempt to enforce the remedies and protect the rights of parties, shall extend to criminal cases, so far as they are in their nature applicable. [66 v. 308, § 143.]

How attendance of witnesses shall be enforced, etc.

SEC. 24. Whenever it is necessary to procure the testimony of a person confined in the penitentiary, or in any



Subpoena may issue to keeper of prison to produce witness.

Keeper to take witness before court.

Witness may be placed in jail; how costs paid.

Deposition of witnesses for defendant may be taken in certain cases.

When court may order the discharge of a defendant to give evidence for the state or another accused.

work-house or prison, on the trial of any issue upon an indictment, or upon any hearing before a grand jury, the court, or any judge in vacation, in its or his discretion, may order a subpoena to be issued, directed to the warden of the penitentiary, or to the superintendent or keeper of the work-house or prison, commanding him to bring the witness named in the subpoena before the court. [70 v. 78, § 1.]

SEC. 25. The warden, superintendent, or keeper, upon receiving such subpoena, shall take, or cause to be taken such witness before the court, at the time and place named in the subpoena, and hold him until he be discharged by the court; and when so discharged, he shall be returned, in the custody of the officer, to the place of imprisonment from which he was taken; and such officer may command such assistance as he deems proper for the safe transportation of the witness. [70 v. 79, § 2.]

SEC. 26. When such witness is in attendance upon any court, he may be placed for safe-keeping in the jail of the county; and the expenses of the officer in transporting him to and from the court to which he is summoned, shall be allowed by the court, and taxed and paid as other costs against the state. [70 v. 79, §§ 3, 4.]

SEC. 27. When an issue of fact is joined upon an indictment, and a material witness for the defendant resides out of the state, or, if he reside within the state and is sick or infirm, or is about to leave the state, or is confined in any prison of the state, defendant may apply in writing to the court, or the judge thereof in vacation, for a commission to examine such witness upon interrogatories thereto annexed; and such court or judge may grant the same, and make an order stating in what manner, and for what length of time, notice shall be given the prosecuting attorney before such witness shall be examined. [70 v. 145, § 1.]

SEC. 28. The examination of the witness shall be taken and certified, and the return thereof to court made, as is provided for taking depositions in civil cases; and the commissioners so appointed shall receive such compensation as the judge of the court of common pleas shall direct, which shall be paid out of the county treasury, and be taxed as part of the costs in the case. [66 v. 309, § 145.]

SEC. 29. When two or more persons are jointly indicted, the court may, at any time before a defendant has gone into his defense, direct any one of the defendants to be discharged, that he may be a witness for the state. An accused party may also, when there is not sufficient evidence to put him upon his defense, be discharged by the court; or, if not discharged by the court, he shall be entitled to the immediate verdict of the jury, for the purpose of giving evidence for others accused with him; and such order of discharge in either case shall be a bar to another prosecution for the same offense. [66 v. 309, § 146.]

SEC. 30. In trials for seduction under promise of marriage,

no conviction shall be had on the testimony of the person offended against, unsupported by other evidence [66 v. 309, § 147; 56 v. 158, § 1, S. & C. 452.]

Proof necessary in cases of seduction.

SEC. 31. Carnal knowledge or sexual intercourse shall be deemed complete upon proof of penetration only. [71 v. 14, § 1.]

Proof of carnal knowledge.

SEC. 32. Unless he confess his guilt in open court, no person shall be convicted of treason except by the testimony of two credible witnesses to the same overt act laid in the indictment, or of misprison of treason or of setting on foot or providing the means for unauthorized military expeditions, except by the testimony of two credible witnesses. [66 v. 309, § 149; 58 v. 110, § 4, S. & S. 262.]

Proof in cases of treason, etc.

#### TRIAL.

SEC. [13]33. After the jury is impaneled and sworn, the trial shall proceed in the following order:

Order of proceedings on trial.

1. The counsel for the state must state the case of the prosecution, and may briefly state the evidence by which he expects to sustain it.

2. The defendant, or his counsel, must then state his defense, and may briefly state the evidence he expects to offer in support of it.

3. The state must first produce its evidence; the defendant will then produce his evidence.

4. The state will then be confined to rebutting evidence, unless the court, for good reasons, in furtherance of justice, permit it to offer evidence in chief.

5. When the evidence is concluded, either party may request instructions to the jury on points of law, which shall be given or refused by the court; which instructions shall be reduced to writing if either party request it.

6. When the evidence is concluded, unless the case is submitted without argument, the counsel for the state shall commence, the defendant or his counsel follow, and the counsel for the state conclude, the argument to the jury.

7. The court, after the argument is concluded, shall immediately, and before proceeding with other business, charge the jury; which charge, or any charge given after the conclusion of the argument, shall be reduced to writing by the court, if either party request it before the argument to the jury is commenced; and such charge or charges, or any other charge or instruction provided for in this section, when so written and given, shall in no case be orally qualified, modified, or in any manner explained to the jury by the court; and all written charges and instructions shall be taken by the jury in their retirement, and returned with their verdict into court, and shall remain on file with the papers of the case. [66 v. 309, § 151.]

SEC. 34. A person indicted for a misdemeanor may, upon his request in writing, subscribed by him and entered on the journal, be tried in his absence, or by the court. No other

When accused may be tried in his absence.

person shall be tried unless personally present; but if a person indicted escapes, or forfeit his recognizance after the jury is sworn, the trial shall proceed, and the verdict be received and recorded; and if the offense charged is a misdemeanor, judgment and sentence shall be pronounced as if he were personally present; and if the offense charged is a felony, the case shall be continued until the convict appear in court or be retaken. [66 v. 310, § 152.]

Separate trials in cases of felony.

When a mistake in charging the proper offense is discovered.

SEC. 35. When two or more persons are jointly indicted for a felony, each shall, on application to the court for that purpose, be tried separately.

SEC. 36. If it appear at any time before verdict that a mistake has been made in charging the proper offense in the indictment, the jury may be discharged without prejudice to the prosecution, and the accused, if there is good cause to detain him, may be recognized to appear at the next term of the court, or, in default thereof, committed to jail; and in such case the court may recognize the witnesses for the state to appear at the same time and testify. [66 v. 310, §§ 154, 155.]

#### EXCEPTIONS.

Exceptions by defendant.

SEC. 37. If a defendant feels himself aggrieved by any decision of the court, he may present his bill of exceptions thereto, which the court shall sign and seal, and the same shall be made a part of the record, and have the same force and effect as in civil cases. If exceptions be taken to the decision of the court overruling a motion for a new trial, because the verdict is not sustained by sufficient evidence, or is contrary to law, the bill of exceptions must contain all the evidence; and the taking of all bills of exception shall be governed by the rules established in civil cases. [66 v. 312, § 156.]

Exceptions taken by the prosecuting attorney.

SEC. 38. The prosecuting attorney may except to any decision of the court, and present his bill of exceptions thereto, which the court shall sign and seal, and the same shall be made a part of the record. [66 v. 312, § 157.]

Proceedings upon the exceptions of the prosecuting attorney.

SEC. 39. The prosecuting attorney may present such bill of exceptions to the supreme court, and apply for permission to file it with the clerk thereof, for the decision of the court upon the points presented therein; but prior thereto he shall give reasonable notice to the judge who presided at the trial in which the bill was taken of his purpose to make such application; and if the supreme court allow such bill to be filed, such judge shall appoint some competent attorney to argue the case against the prosecuting attorney, which attorney shall receive for his services a fee not exceeding one hundred dollars, to be fixed by such court, and to be paid out of the treasury of the county in which the bill was taken. [66 v. 312, § 158.]

SEC. 40. If the supreme court be of the opinion that the

questions presented should be decided upon, they shall allow the bill of exceptions to be filed, and render a decision thereon. [66 v. 313, § 159.]

SEC. 41. The judgment of the court in the case in which the bill was taken shall not be reversed, nor in any manner affected; but the decision of the supreme court shall determine the law to govern in any similar case. [66 v. 313, § 160.]

Duty of the  
supreme  
court.

Effect of the  
decision of  
the supreme  
court.

#### ACQUITTAL WITHOUT TRIAL.

SEC. 42. No person shall be detained in jail without a trial, on an indictment, for a continuous period embracing more than two terms after his arrest and commitment thereon, or, if he was in jail at the time the indictment was found more than two terms after the term at which the indictment was presented; but he shall be discharged unless a continuance is had on his motion, or the delay is caused by his act. [73 v. 249, § 1.]

Prisoner in-  
dicted—  
when to be  
discharged.

SEC. 43. No person shall be held by recognizance to answer an indictment, without trial, for a period embracing more than three terms, not including a term at which a recognizance was first taken thereon, if taken in term time; but he shall be discharged unless a continuance is had on his motion, or the delay is caused by his act, or there is not time to try him at such third term; and in the latter case, if he be not brought to trial at the next term, he shall be discharged. [66 v. 311, § 162.]

Persons in-  
dicted and  
held to bail  
—when to be  
discharged.

SEC. 44. If, when application is made for the discharge of a defendant under either of the last two sections, the court is satisfied there is material evidence for the state which can not then be had, that reasonable exertion has been made to procure the same, and that there is just ground to believe that such evidence can be had at the next term, the cause may be continued, and the prisoner remanded, or admitted to bail; and if he be not brought to trial at the next term, he shall then be discharged. [66 v. 311, § 163.]

Proceedings  
on applica-  
tion to dis-  
charge.

## CHAPTER 7.

### VERDICT, AND JUDGMENT AND PROCEEDINGS THEREON.

#### SECTION

1. Conduct of jury after case submitted.
2. When court may discharge jury.
3. Jury may be polled.
4. Jury to ascertain the value of the property stolen.
5. Of what degree defendant may be found guilty.
6. When jury to acquit on indictment for carrying concealed weapons.
7. What the court shall ask the convict.

#### SECTION

8. When court to pronounce judgment.
9. Testimony after verdict or confession to mitigate penalty.
10. When and for how long execution of sentence may be suspended.
11. In what case recognizance required.
12. When writ not allowed.
13. When judgment is affirmed.
14. Imprisonment, recapture, etc.
15. How convict to be confined in the jail.

## SECTION

16. Sentence when person fined.
17. Execution for fine and costs against property and body of offender.
18. Execution for same to sheriff of other county.
19. When and how convicts to be transported to penitentiary.
20. Sheriff may demand assistance during conveyance of convicts.
21. Writs of execution to issue on sentence.
22. Upon sentence for felony, cost bill to be made out and certified.
23. Number of guards, and fees, for transportation of convicts.
24. Warden shall certify correctness of cost-bill, etc.

## SECTION

25. How death penalty inflicted.
26. Clerk to issue death warrant.
27. Where warrant to be executed.
28. Who may be present.
29. Military force may be required.
30. Execution and return of warrant.
31. When accused escapes, he may be re-arrested and executed.
32. If convict appear to be insane, inquest to be had.
33. Proceedings on the inquest.
34. When convict restored, governor to order execution.
35. Proceedings when a female convict appears to be with child.
36. When convict no longer pregnant, governor to order execution.

## VERDICT.

Conduct of jury after case submitted.

SECTION 1. When a case is finally submitted, the jurors must be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict, or are discharged by the court. The officer having them in charge shall not suffer any communication to be made to them, nor make any himself, except to ask them if they have agreed upon a verdict, unless by order of the court; nor shall he communicate to any person, before the verdict is delivered, any matter in relation to the state of their deliberations. If the jurors are permitted to separate during the trial, they shall be admonished by the court that it is their duty not to converse with, nor suffer themselves to be addressed by, any person, nor to listen to any conversation on the subject of the trial, nor to form or express an opinion thereon, until the cause is finally submitted to them. [68. v 3, § 1.]

When court may discharge jury.

SEC. 2. The court may discharge a jury, without prejudice to the prosecution, for the sickness of a juror, or other accident or calamity, or because there is no probability of the jurors agreeing; and the reason for the discharge shall be entered on the journal. [66 v. 312, § 165.]

Jury may be polled.

SEC. 3. When the jurors have agreed upon their verdict, they must be conducted into court by the officer having them in charge. Before the verdict is accepted, the jury may be polled at the request of either the prosecuting attorney or the defendant. [66 v. 312, § 166.]

Jury to ascertain the value of the property stolen.

SEC. 4. When an indictment charges an offense against property by larceny, embezzlement, or obtaining by false pretense, the jury, on conviction, shall ascertain and declare in the verdict the value of the property stolen, embezzled, or falsely obtained. [66 v. 312, § 167.]

Of what degree defendant may be found guilty.

SEC. 5. Upon any indictment the jury may find the defendant not guilty of the offense charged, but guilty of an attempt to commit the same, when such attempt is an of-

fense. When the indictment charges an offense including different degrees, the jury may find the defendant not guilty of the degree charged, and guilty of any inferior degree; and if the offense charged is murder, and the accused is convicted by confession in open court, the court shall examine the witnesses, and determine the degree of the crime, and pronounce sentence accordingly. [66 v. 312, § 168; 33 v. 33, § 39, S. & C. 416.]

SEC. 6. Upon the trial of an indictment for carrying a concealed weapon, the jury shall acquit the defendant if it be made to appear to them that he was at the time engaged in any lawful business, calling, or employment, and that the circumstances in which he was placed were such as to justify a prudent man in carrying the weapon for the defense of his person, property, or family. [56 v. 56, § 2; S. & C. 452.]

When jury to acquit on indictment for carrying concealed weapon.

#### SENTENCE.

SEC. 7. Before sentence is pronounced, the defendant must be informed by the court of the verdict of the jury, and asked whether he has anything to say why judgment should not be pronounced against him. [66 v. 313, § 169.]

What the court shall ask the convict.

SEC. 8. If the defendant have nothing to say, or if he show no sufficient cause why judgment should not be pronounced, the court shall pronounce the judgment provided by law; but in all cases of conviction of a capital offense, at least one hundred days shall intervene between the day of sentence and the day appointed for the execution thereof. [68 v. 5, § 1.]

When court to pronounce judgment.

SEC. 9. When a person is convicted of an offense punishable, either in whole or in part, by fine, he may move the court to hear testimony in mitigation of the sentence; and the court shall hear such testimony at the term at which the motion is made, or may continue the case to the next term on the same terms as the case might have been continued before verdict or confession; and the prosecuting attorney shall attend to such proceedings on behalf of the state, and offer any testimony necessary to give the court a true understanding of the case. [66 v. 313, § 171.]

Testimony after verdict or confession, to mitigate penalty.

#### EXECUTION OF SENTENCE SUSPENDED.

SEC. 10. When a person is convicted of an offense, and gives notice to the court of his intention to file or apply for leave to file, a petition in error, the court may, on his application, suspend execution of the sentence or judgment against him until the next term of the court, or for such period, not beyond the session, as will give him a reasonable time to apply for such leave. [66 v. 313, § 172.]

When and for how long execution of sentence may be suspended.

SEC. 11. The execution of a sentence or judgment against a person sentenced for a misdemeanor shall not be suspended, unless the convict enter into a recognizance, with such surety, as the court may require, conditioned that he shall appear at the next term of the court, and from term to term until

In what case recognizance required.

the case in error be determined, and abide the judgment or sentence of the court. [66 v. 313, § 173.]

**When writ  
not allowed.**

SEC. 12. If execution of sentence be not suspended by the next term of the court after the sentence was pronounced, the court shall, at such term, carry the same into execution. [66 v. 313, § 174.]

**When judgment is affirmed.**

SEC. 13. If a petition in error be filed, and execution suspended, and on the hearing the judgment of the court in which the trial was had is affirmed, such court shall carry into execution the sentence pronounced against the defendant at the next term after the judgment of affirmance is rendered. [66 v. 313, § 175.]

**Imprisonment, recapture, etc.**

SEC. 14. When a person is sentenced for a felony, and execution of the sentence is suspended, the court shall order him into the custody of the sheriff, to be imprisoned until the case in error is disposed of. If such person escape, the clerk of the court, on application of the prosecuting attorney, shall issue a warrant stating such conviction, and commanding the sheriff to pursue such person into any county in the state; and the sheriff shall take such person and again commit him to the jail of the county. [66 v. 313, § 176.]

#### EXECUTION OF SENTENCE FOR MISDEMEANOR.

**How convict  
to be confined in the  
jail.**

SEC. 15. When a person convicted of an offense is sentenced to imprisonment in the jail, the court or magistrate shall order the defendant into the custody of the sheriff or constable, who shall deliver him, together with the record of conviction, to the jailer, in whose custody he shall remain, in the jail of the county, until the term of his confinement shall have expired, or he be pardoned, or be otherwise legally discharged. [66 v. 314, § 179.]

**Sentence  
when person  
fined.**

SEC. 16. When a fine is the whole or part of a sentence, the court or magistrate may order that the person sentenced shall remain confined in the county jail until the fine and costs be paid, or secured to be paid, or the offender be otherwise legally discharged. [66 v. 314, § 180; 60 v. 66, § 1, S. & S. 610.]

**Execution  
for fine and  
costs against  
property and  
body of of-  
fender.**

SEC. 17. When a magistrate or court renders judgment for a fine, an execution may issue for the same and the costs of prosecution, to be levied on the property, and in default thereof upon the body, of the defendant; and the officer holding such writ may arrest the offender in any county, and commit him to the jail of the county in which the writ issued, there to remain until the fine and costs be paid, or secured to be paid, or he be otherwise discharged according to law. [72 v. 53, § 1.]

**Execution  
for same to  
sheriff of  
other county.**

SEC. 18. In the case mentioned in the last section, such execution may issue to the sheriff of any county in which such offender resides, or may be found, or has property, and such sheriff shall execute the writ; and if he take the of-

fender, he shall commit him to the jail of the county in which the writ issued, and deliver a certified copy of the writ to the sheriff of such county, who shall detain the offender until he be discharged as provided in that section. [72 v. 53, § 2.]

#### EXECUTION OF SENTENCE FOR FELONY.

SEC. 19. A person sentenced to the penitentiary shall, within thirty days after his sentence, unless the execution thereof be suspended, be conveyed to the penitentiary by the sheriff of the county in which the conviction took place, and shall there be delivered into the custody of the warden of the penitentiary, together with a copy of the sentence of the court, there to be safely kept until the term of his confinement shall have expired, or he be pardoned. If the execution of the sentence be suspended, and the judgment be afterward affirmed, the defendant shall be conveyed to the penitentiary within thirty days after the court shall have directed the execution of the sentence. [66 v. 313, § 177.]

SEC. 20. A sheriff, during the time he is employed in conveying to the penitentiary any person sentenced to imprisonment therein, shall have the same authority to secure him in any jail, and to demand the assistance of any sheriff, jailer, or other person, in keeping such prisoner, as if he were in his own county; and all sheriffs, jailers, or other persons, so called upon, shall be liable, on refusal, to the same penalties as if the sheriff making the demand were in his own county. [66 v. 313, § 178.]

SEC. 21. Upon the sentence of any person for felony, the clerk shall immediately issue to the sheriff of the county in which the indictment was found, and to the sheriff of any other county in which the convict has property, executions against his property for the costs of prosecution, which shall be served and returned as in other cases. [42 v. 30, §§ 1, 2, 5; S. & C. 1186-7.]

SEC. 22. Upon the sentence of any person for felony, the officers claiming costs made in the prosecution shall deliver to the clerk itemized bills thereof, who shall make and certify, under his hand and the seal of the court, a complete bill of the costs made in the prosecution, including any sum paid by the commissioners for the arrest and return of the convict on the requisition of the governor, which, if correct, the judge of the court shall allow and certify; and if the convict be sentenced to confinement in the penitentiary, such certified cost-bill shall be delivered, with the convict, to the warden of the penitentiary. [57 v. 55, § 1, S. & C. 1184; 68 v. 75, §§ 1, 2.]

SEC. 23. In transporting convicts to the penitentiary, the sheriff may employ one guard for every two convicts transported; but the court may authorize a larger number, in which case a transcript of the order of the court shall be certified by the clerk, under the seal of the court, and delivered

When and how convicts to be transported to the penitentiary.

Sheriff may demand assistance during conveyance of convicts.

Writs of execution to issue on sentence.

Upon sentence for felony, cost-bill to be made out and certified.

Number of guards, and fees, for transportation of convicts.



by the sheriff to the warden of the penitentiary with the convict; and the sheriff shall receive mileage at the rate of eight cents per mile, and five cents per mile for transporting each convict, and six cents per mile for the service of each guard, the number of miles to be computed by the usual route of travel. [57 v. 55, § 1; S. & C. 1184.]

Warden shall certify correctness of cost-bill, etc.

SEC. 24. The warden shall allow so much of the cost-bill and charges for transportation as he finds to be correct, and shall certify such allowance, and the amount allowed shall be paid by the state. [57 v. 55, § 1, S. & C. 1184; 73 v. 43, § 35.]

#### EXECUTION OF DEATH SENTENCE.

How death penalty inflicted.

SEC. 25. The mode of inflicting the punishment of death shall be by hanging by the neck until the person be dead; and the sheriff, or, in case of his death, inability, or absence, the coroner of the county in which sentence of death is pronounced shall be the executioner. [33 v. 33, § 40; S. & C. 417.]

Clerk to issue death warrant.

SEC. 26. When a person is sentenced to death, the clerk of the court shall issue his warrant, under the seal of the court, reciting the conviction and sentence, directed to the sheriff, and commanding him to proceed, at the time and place named in the sentence, to carry the same into execution as provided in the last section. [63 v. 65, § 1; S. & S. 616.]

Where warrant to be executed.

SEC. 27. Such warrant shall be executed within the walls of the jail, in all cases when the jail is so constructed that it can be conveniently done therein; but when the jail is not so constructed, the warrant shall be executed within an inclosure which shall be higher than the gallows, and shall exclude the view of persons outside, and which shall be prepared for that purpose, under the direction of the sheriff, in the immediate vicinity of the jail, or, if there be no jail in the county, at some convenient place at the county seat to be selected by the sheriff. [66 v. 314, §§ 181-2-3.]

Who may be present.

SEC. 28. Besides the sheriff and his assistants, the following persons may be present at the execution, but none other: The clergyman in attendance upon the prisoner, such other persons as the prisoner may designate, not exceeding three in number, and such other persons as the sheriff may designate not exceeding six in number. [66 v. 314, § 184.]

Military force may be required.

SEC. 29. Whenever the sheriff deems the presence of a military force necessary at the execution, he shall make a written requisition upon the officer of the militia highest in command then in his county, who shall issue the necessary orders to insure a compliance with the requisition. [66 v. 314, § 184.]

Execution and return of warrant.

SEC. 30. Unless a suspension of execution has been ordered by the supreme court, or two judges thereof, the sheriff shall proceed, at the time and place named in the warrant, to cause the person sentenced to be hanged by the neck until he be dead; and of the manner of his executing the

warrant, and his doings thereon, he shall forthwith make return to the clerk, who shall record the warrant and return in the record of the case. [63 v. 35, § 2, S. & S. 617; 66 v. 315, § 186.]

SEC. 31. If the accused escape after sentence, and be not retaken before the time fixed for his execution, any sheriff may re-arrest him, and commit him to the jail of the proper county, and make return thereof to the court in which the sentence was passed; and thereupon the court shall again fix the time for execution, which shall be carried into effect as provided in this chapter. [66 v. 322, § 224.]

When accused escapes, he may be re-arrested and executed.

#### CONVICT INSANE OR PREGNANT.

SEC. 32. If any convict sentenced to death appear to be insane, the sheriff shall forthwith give notice thereof to a judge of the court of common pleas of the judicial district, and shall summon a jury of twelve impartial men to inquire into such insanity, at a time and place to be fixed by the judge, and shall give immediate notice thereof to the prosecuting attorney. [66 v. 315, § 187.]

If convict appear insane, inquest to be had.

SEC. 33. The judge, clerk of the court, and prosecuting attorney, shall attend the inquiry. Witnesses may be produced and examined before the jury. The finding shall be in writing, signed by the jury. If it be found that the convict is insane, the judge shall suspend the execution until the sheriff receive a warrant from the governor directing the same. The finding of the jury and order of the judge, certified by the judge, shall be entered on the journal of the court by the clerk. [66 v. 315, § 188.]

Proceedings on the inquest.

SEC. 34. The sheriff shall immediately transmit a certified copy of such finding to the governor, who may, as soon as he is convinced that the convict has become of sound mind, issue a warrant appointing a time for his execution. [66 v. 315, § 189.]

When convict restored, governor to order execution.

SEC. 35. If a female convict sentenced to death appear to be pregnant, the sheriff shall, in like manner, summon a jury of six persons, who, on like proceedings being had as in the case of an insane convict, shall return a finding signed by them. [66 v. 315, § 190.]

Proceedings when a female convict appears to be with child.

SEC. 36. If by such finding it appear that such female convict is with child, the sheriff shall in like manner suspend the execution of her sentence, and shall transmit the finding to the governor, who, on being satisfied that such woman is no longer pregnant, shall issue a warrant appointing a day for her execution. [66 v. 315, § 191.]

When convict no longer pregnant, governor to order execution.

## CHAPTER 8.

## NEW TRIALS, MOTIONS IN ARREST, AND ERROR.

## SECTION

1. For what causes a new trial granted.
2. When application to be made.
3. What causes for new trial must be sustained by affidavits.
4. When a motion in arrest of judgment may be granted.
5. When it may not be made.
6. Effect of allowing motion in arrest of judgment.
7. In what court judgment may be reviewed.
8. Transcripts to be furnished on demand, and tender of fees, etc.
9. Proceedings to be by petition in error.
10. Summons in error to issue, and how served.

## SECTION

11. What judgment may be rendered therein.
12. Can not be filed in the supreme court except on leave.
13. How execution of sentence suspended.
14. No suspension in misdemeanors unless convict enter into recognisance.
15. When sentence is reversed and defendant in penitentiary.
16. When warden shall discharge accused.
17. When warden to return accused to county jail.
18. This title governs criminal proceedings in the probate courts, etc.

## NEW TRIALS.

**For what causes a new trial granted.**

SECTION 1. A new trial, after a verdict of conviction, may be granted on the application of the defendant, for any of the following reasons affecting materially his substantial rights:

1. Irregularity in the proceedings of the court, jury, or the prosecuting attorney, or the witnesses for the state, or for any order of the court, or abuse of discretion, by which the defendant was prevented from having a fair trial.

2. Misconduct of the jury, or of the prosecuting attorney, or of the witnesses for the state.

3. Accident or surprise which ordinary prudence could not have guarded against.

4. That the verdict is not sustained by sufficient evidence, or is contrary to law.

5. Newly discovered evidence material for the defendant, which he could not, with reasonable diligence, have discovered and produced at the trial.

6. Error of law occurring at the trial. [66 v. 316, § 192.]

**When application to be made.**

SEC. 2. The application for a new trial shall be by motion, upon written grounds, which shall be filed at the term the verdict was rendered, and except for the cause of newly discovered evidence material for the party applying, which he could not, with reasonable diligence, have discovered and produced at the trial, within three days after the verdict was rendered, unless unavoidably prevented. [66 v. 316, § 193.]

**What causes or new trial must be sustained by affidavits.**

SEC. 3. The causes enumerated in subdivisions two, three, and five of section one, of this chapter, must be sustained by affidavits showing their truth, and may be controverted by affidavits. [66 v. 316, § 194.]

**MOTIONS IN ARREST.**

**SEC. 4.** A motion in arrest of judgment may be granted by the court for either of the following causes:

1. That the grand jury which found the indictment had no legal authority to inquire into the offense charged, by reason of it not being within the jurisdiction of the court.

2. That the facts stated in the indictment do not constitute an offense. [66 v. 316, § 195.]

**SEC. 5.** No judgment can be arrested for a defect in form, nor shall any motion in arrest of judgment be made after three days after the verdict was rendered. [66 v. 316, 317, §§ 196, 198.]

**SEC. 6.** The effect of allowing a motion in arrest of judgment shall be to place the defendant in the same position with respect to the prosecution as before the indictment was found. If from the evidence on the trial there be reason to believe the defendant guilty of an offense, the court shall order him to enter into a recognizance, with sufficient surety, conditioned for his appearance at the first day of the next term of the court; otherwise the defendant shall be discharged. [66 v. 317, § 197.]

**ERROR.**

**SEC. 7.** In any criminal case, including a conviction for a violation of an ordinance of a municipal corporation, a judgment of a court or officer inferior to the court of common pleas may be reviewed in the court of common pleas; judgment of any court inferior to the district court may be reviewed in the district court; and the judgment of any court inferior to the supreme court may be reviewed in the supreme court.

**SEC. 8.** On application, by or on behalf of the accused, to any officer whose duty it is to make a record or docket entries in any such case, and tender of the proper fee, such officer shall make and deliver to the accused or his counsel a complete certified transcript of the record, or, if the prosecution was before a court or tribunal in which a complete record is not made, a certified transcript of the judgment and all entries in the case, and on receipt of a copy of a summons, as hereinafter mentioned, shall forward to the clerk of the court the original papers in the case.

**SEC. 9.** The proceeding to review any such judgment shall be by petition in error, to which shall be attached such transcript, and also any original papers when received by the clerk; and the court in which the review is sought shall have power, by summary process, to compel a more complete record to be furnished, and such original papers to be forwarded as aforesaid.

**SEC. 10.** On filing such petition, and a precipe, in any court, a summons in error, returnable in ten days, shall be issued by the clerk, unless a judge of such court prescribe another day for the return; which summons shall be directed

When a motion in arrest of judgment may be granted.

When it may not be made.

Effect of allowing motion in arrest of judgment.

In what court judgments may be reviewed.

Transcripts to be furnished on demand and tender of fees, etc.

Proceedings to be by petition in error.

Summons in error to issue, and how served.

to the sheriff of the county in which the judgment was rendered, containing such description of the judgment as to identify it, recite the fact that a petition in error has been filed, and command the sheriff to notify the prosecuting attorney of the time the same will be for hearing; and, if original papers are required, it shall command the sheriff to notify the officer in whose possession they are, to forward such papers to such clerk; and if the summons issue from the supreme court, the clerk shall forward it to the sheriff by mail, and shall also, at the same time, forward a copy of it to the attorney general by mail.

What judgment may be rendered therein.

SEC. 11. Upon the hearing of a petition in error, the court may affirm the judgment, or reverse it, in whole or in part, and order the accused to be discharged, or grant a new trial; and in capital cases, when the judgment is affirmed, and the day fixed for the execution of the sentence is passed, the court shall appoint a day therefor; and the clerk of such court shall issue a warrant, under the seal of the court, to the sheriff of the proper county, commanding him to carry the sentence into execution at the time so appointed by the court; and the sheriff shall execute and return the warrant, and the clerk shall record the warrant and return as provided in this title. [63 v. 35, S. & S. 618.]

Can not be filed in the supreme court except on leave.

SEC. 12. No petition in error shall be filed in the supreme court except upon good cause shown, and upon motion, and notice to the prosecuting attorney and the attorney general, as in civil cases, nor unless such motion be allowed by the court, or, in capital cases, by two judges, and in other cases by one judge thereof.

How execution of sentence suspended.

SEC. 13. Upon the filing of such petition in error in the supreme court, the execution of sentence shall, in cases of felony, be thereby suspended; and in cases of misdemeanor, the court or judge allowing the motion shall order such suspension; but no proceedings in error in any other court shall suspend execution of sentence, unless, in capital cases, such suspension be for good cause shown, and on motion, and notice to the prosecuting attorney of the proper county, ordered by a majority of the judges of the district court of the county, and in other cases in such court by one judge thereof, and in cases in the court of common pleas by one of the judges of such court.

No suspension in misdemeanors, unless convict enter into recognizance.

SEC. 14. No order of any court or judge suspending execution of sentence, in any case of misdemeanor, shall take effect until the defendant enters into a recognizance before the clerk of the court, or officer before whom the cause was tried, in a sum to be fixed in such order, conditioned that the defendant will prosecute his petition in error to effect, and surrender himself to the custody of the proper officer of the county in which the conviction was had, in case the judgment against him be not reversed, or a new trial ordered.

SEC. 15. When a defendant has been committed to the penitentiary, and the judgment by virtue of which the

commitment was made shall be reversed on proceedings in error allowed under the provisions of this chapter, by which reversal the defendant shall be entitled to his discharge, or to a new trial, the clerk of the court reversing the judgment shall, under the seal of the court, forthwith certify the same to the warden of the penitentiary. [66 v. 317, § 203.]

SEC. 16. The warden, on receipt of such certificate, in case a discharge of the defendant be ordered, shall immediately discharge him from the penitentiary. [66 v. 318, § 204.]

SEC. 17. In case a new trial be ordered, the warden shall forthwith cause the defendant to be conveyed to the jail of the county in which he was convicted, and committed to the custody of the sheriff thereof. [66 v. 318, § 205.]

SEC. 18. The provisions of this title, so far as applicable, shall govern criminal proceedings in probate courts which have criminal jurisdiction; and if a case arise not provided for herein, the practice heretofore observed may be followed, so far as may be necessary to prevent a failure of justice. [66 v. 324, §§ 231-2.]

When sentence is reversed and defendant in penitentiary.

When warden shall discharge accused.

When warden to return accused to county jail.

This title governs criminal proceedings in probate courts, etc.

## CHAPTER 9.

### ACTS REPEALED.

SECTION 1. The following acts and parts of acts are hereby repealed:

1. Sections eleven, thirty-seven, thirty-nine, and forty of the act of March 7, 1835, entitled "An act providing for the punishment of crimes." S. & C. 416; 33 v. 33.

2. Section fifty-seven of the act of March 8, 1831, entitled "An act for the punishment of certain offenses therein named." S. & C. 435; 29 v. 144.

3. Sections two, three, and four of the act of February 28, 1846, entitled "An act to secure the inviolability of places of human sepulture." S. & C. 437; 44 v. 77..

4. Section two of the act of April 1, 1859, entitled "An act to prohibit the carrying or wearing of concealed weapons." S. & C. 452; 56 v. 56.

5. Section thirty-three of the act of March 27, 1837 entitled "An act defining the powers and duties of justices of the peace and constables in criminal cases." S. & C. 815; 35 v. 87.

6. Sections fifty-four, fifty-five, fifty-six, and fifty-seven of the act of April 7, 1856, entitled "An act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane." S. & C. 849; 53 v. 81.

7. Section five of the act of April 10, 1856, entitled "An act in addition to the several acts in relation to the courts of justice, and their powers and duties." S. & C. 1153; 53 v. 178.

8. The act of March 22, 1860, entitled "An act to regulate the taxation and payment of costs in certain cases." S. & C. 1184; 57 v. 55.

9. Sections one, two, and five of the act of March 4, 1844,

- S. & C. 1186;  
42 v. 30. entitled "An act further to provide for the collection of costs in criminal cases."
- S. & C. 1368;  
29 v. 112. 10. Section three of the act of February 25, 1824, entitled "An act defining the duties of sheriffs and coroners in certain cases."
- S. & C. 1402;  
36 v. 18. 11. Section one of the act of March 1, 1838, entitled "An act further defining the duties of sheriffs and coroners."
- S. & C. 1435  
52 v. 153. 12. Section thirteen of the act of May, 1, 1854, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the state of Ohio."
- S. & S. 261;  
58 v. 110. 13. Section six of the act of April 26, 1861, entitled "An act to punish treason and other crimes."
- S. & S. 274;  
65 v. 29. 14. Sections three, four, five, six, and seven of the act of March 19, 1868, entitled "An act to punish and suppress prize-fighting."
- S. & S. 521;  
63 v. 20. 15. The act of February 19, 1866, entitled "An act authorizing the removal of convicts confined in the penitentiary, for trial on other indictments found, to the county where found."
- S. & S. 610;  
60 v. 66. 16. The act of April 7, 1863, entitled "An act supplementary to an act entitled 'an act providing for the punishment of crimes,' and of the several acts amendatory and supplementary thereto."
- S. & S. 616;  
63 v. 35. 17. Sections one and two of the act of March 9, 1866, entitled "An act prescribing the duties of the clerk and sheriff in carrying into execution the sentence of the court in cases of murder in the first degree."
- S. & S. 633;  
62 v. 173. 18. Section three of the act of April 15, 1855, entitled "An act to amend the fourth, fifth, and sixth sections of an act passed April 30, 1852, entitled 'an act to provide for the election of prosecuting attorneys, and prescribing their duties,' as amended April 30, 1862."
- 66 v. 118. 19. The act of May 6, 1869, entitled "An act to amend section one (1) of an act entitled 'an act authorizing the removal of convicts confined in the penitentiary, for trial on other indictments found, to the county where found.'"
- 66 v. 287. 20. The act of May 6, 1869, entitled "An act to establish a code of criminal procedure for the state of Ohio," except sections two hundred and eight, two hundred and nine, two hundred and ten, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, and two hundred and twenty-three thereof.
- 68 v. 3. 21. The act of January 5, 1871, entitled "An act to amend an act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869."
- 68 v. 31. 22. The act of February 24, 1871, entitled "An act to require forfeited recognizances to be returned to county auditors."
- 68 v. 75. 23. Section two of the act of April 26, 1871, entitled "An act to authorize county commissioners to pay expenses to

persons authorized to pursue after fugitives from justice charged with crime, upon the requisition of the governor."

24. The act of May 1, 1871, entitled "An act to amend section one hundred and twenty-two of 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1867." 68 v. 105.

25. The act of February 1, 1872, entitled "An act to amend section seventy-three of an act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869." 69 v. 3.

26. The act of February 10, 1872, entitled "An act to amend 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869, and an act amendatory thereof, passed January 5, 1871." 69 v. 11.

27. The act of March 7, 1872, entitled "An act further to amend 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869." 69 v. 17.

28. The act of April 27, 1872, entitled "An act to amend section eighty-seven of an act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869." 69 v. 168.

29. The act of March 28, 1873, entitled "An act directing the mode of procuring the testimony of persons who are confined in prison." 70 v. 78.

30. The act of April 18, 1873, entitled "An act to amend section one hundred and forty-four of the act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869." 70 v. 145.

31. The act of February 20, 1874, entitled "An act to amend section one hundred and four of an act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869, as amended January 5, 1871." 71 v. 13.

32. The act of February 26, 1874, entitled "An act to provide for the sufficiency of evidence in certain cases." 71 v. 14.

33. The act of March 3, 1874, entitled "An act to amend an act entitled 'an act to amend section sixty-two of an act entitled an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869, passed January 29, 1873." 71 v. 17.

34. Section one of the act of March 31, 1874, entitled "An act to amend sections fifty-two and fifty-three of an act entitled 'an act to provide for the uniform government and better regulation of lunatic asylums of the state, and the care of idiots and the insane, passed and took effect April 7, 1856." 71 v. 46.

35. The act of April 13, 1874, entitled "An act to amend section two of 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869, took effect August 1, 1869." 71 v. 70.

36. The act of December 4, 1874, entitled "An act to amend an act entitled 'an act to amend an act entitled an



act to establish a code of criminal procedure for the state of Ohio, passed May 6, 1869,' passed March 30, 1874."

72 v. 46.

37. The act of March 3, 1875, entitled "An act to amend 'an act to amend section fourteen of an act directing the mode of trial in criminal cases,' passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1864, passed April 18, 1870."

72 v. 53.

38. The act of March 15, 1875, entitled "An act amendatory of and supplementary to 'an act supplementary to an act entitled an act for the punishment of crimes, and of the several acts amendatory and supplementary thereto,' passed April 7, 1863."

72 v. 80.

39. The act of March 23, 1875, entitled "An act to amend section fifty-three of 'an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane,' as amended March 31, 1874."

73 v. 43.

40. Section thirty-five of the act of March 16, 1876, entitled "An act to regulate and govern the Ohio penitentiary, and to repeal certain acts therein named."

73 v. 219.

41. Section five of the act of April 11, 1876, entitled "An act for the prevention of cruelty to minors."

73 v. 248.

42. The act of April 12, 1876, entitled "An act to amend section one hundred and sixty-one of an act entitled 'an act to establish a code of criminal procedure for the state of Ohio,' passed May 6, 1869."

SEC. 2. This act shall take effect and be in force from and after July 1, 1877.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To consolidate, revise, and amend the statutes relating to jails and the penitentiary to be known as "part two, title three, jails and the penitentiary."

*Be it enacted by the General Assembly of the State of Ohio, as follows:*

## TITLE III.—JAILS AND THE PENITENTIARY.

## CHAPTER 1.—JAILS.

## CHAPTER 2.—THE PENITENTIARY.

## CHAPTER 3.—ACTS REPEALED.

## CHAPTER 1.

## JAILS.

## SECTION

1. Sheriff to have charge of jail.
2. Sheriff to keep jail register, and what to be entered therein.
3. Sheriff to make and file jail reports.
4. Sheriff required to regularly visit jails, etc.
5. Sheriff may appoint a deputy to be keeper of the jail.
6. Penalties against jailers for neglect of duties.
7. Court of common pleas to prescribe rules for regulation of jail.
8. Printed copies of the rules to be furnished to the sheriff, etc.
9. Sheriff to post rules in each room and cell.
10. Court may alter rules.
11. What the county commissioners shall provide.

## SECTION

12. What the sheriff shall provide.
13. County commissioners may provide for sustenance of prisoners in certain counties.
14. Prisoners of the United States may be confined in jails.
15. When persons in custody may be confined in jail of adjoining county.
16. Sheriffs of adjoining counties to receive such prisoners.
17. In what cases fees to be advanced.
18. Quarterly accounts of certain fees of sheriff.
19. Process, etc., for the return of such prisoners.
20. How costs of habeas corpus to be paid.
21. County using jail of another county liable for certain damages.

## DUTIES OF SHERIFFS.

SECTION 1. The sheriff, or person acting as such, shall have charge of the jail of the county, and of all persons confined therein, and the same shall safely keep, and, by himself or deputy, shall at all times attend to the jail, and govern and regulate the same according to the rules and regulations prescribed by the court of common pleas. [41 v. 74, § 5; S. & C., 746; 29 v. 112, § 4; S. & C., 1398.]

SEC. 2. The sheriff, or person acting as such, shall, by himself or jailer, enter in a suitable book, to be called the jail register, and which shall be kept in the office of the jailer, and delivered to his successor in office, the following:

Sheriff to have charge of jail.

Sheriff to keep jail register, and what to be entered therein.

*First.* The name of each prisoner, with date and cause of his commitment.

*Second.* The date and manner of his discharge.

*Third.* What sickness, if any, has prevailed in the jail during the year, and, if known, what were the causes thereof.

*Fourth.* Whether any, or what labor has been performed by the prisoners, and the value thereof.

*Fifth.* The practice observed during the year of white-washing and cleansing the occupied cells or apartments, and the times and seasons of so doing.

*Sixth.* The habits of the prisoners as to personal cleanliness, diet, and order.

*Seventh.* The operation of the rules and directions prescribed by the court of common pleas.

*Eighth.* The means of literary, moral, and religious instruction, and of labor, furnished prisoners.

*Ninth.* All other matters required by said rules, or, in the discretion of such sheriff, deemed proper. [41 v. 74, § 6; S. & C., 746.]

Sheriff to  
make and  
file jail re-  
ports.

SEC. 3. The sheriff, or person acting as such, shall, on or before the first day of November in each year, make from the jail register, in writing, a jail report, one copy of which report he shall forthwith file in the office of the clerk of the court of common pleas, one copy with the county auditor, and one copy he shall transmit to the secretary of state; and the secretary of state shall communicate the reports of the several sheriffs to the general assembly on or before the twentieth day of November, annually. [41 v. 74, § 7; S. & C., 747.]

Sheriff re-  
quired to  
regularly  
visit jail, etc.

SEC. 4. The sheriff, or person acting as such, shall visit the jail, and examine into the condition of each prisoner, at least once during each month, and once during each term of the court of common pleas; and he shall cause all the cells and rooms used for the confinement of prisoners to be thoroughly whitewashed at least three times each year. [41 v. 74, § 12; S. & C. 748.]

Sheriff may  
appoint a  
deputy to be  
keeper of the  
jail.

SEC. 5. The sheriff, or person acting as such, may appoint one of his deputies to be keeper of the jail. [41 v. 74, § 13; S. & C. 748.]

Penalties  
against jail-  
ers for neg-  
lect of duties.

SEC. 6. Whoever, having the charge of a county jail, neglects or refuses to obey or conform to any rule or regulation lawfully prescribed by the court of common pleas, for the management and regulation of the same, or omits or neglects to perform any duty in respect thereto imposed by any law, shall be fined not less than five nor more than one hundred dollars. [41 v. 74, § 14; S. & C. 748.]

Court of com-  
mon pleas to  
prescribe  
rules for reg-  
ulation of  
jail.

#### RULES AND REGULATIONS.

SEC. 7. The court of common pleas shall prescribe rules for the regulation and government of the jail of the county,

not inconsistent with the law, upon the following subjects, viz.:

*First.* The cleanliness of the prison and prisoners.

*Second.* The classification of prisoners as to sex, age, crime, idiocy, lunacy, and insanity.

*Third.* Beds and clothing.

*Fourth.* Warming, lighting, and ventilation of the prison.

*Fifth.* The employment of medical or surgical aid when necessary.

*Sixth.* Employment, temperance, and instruction of the prisoners.

*Seventh.* The supplying of each prisoner with a copy of the bible.

*Eighth.* The intercourse between prisoners and their counsel, and other persons.

*Ninth.* The punishment of prisoners for violation of the rules of the prison.

*Tenth.* Such other regulations as the court may deem necessary to promote the welfare of the prisoners. [41 v. 74, § 1; S. & C. 745.]

SEC. 8. The court shall cause a copy of such rules to be delivered to the county commissioners, and the commissioners shall forthwith cause the same to be printed, and deliver to the sheriff a printed copy for each room and cell of the jail, and forward a copy by mail to the auditor of state, who shall file and preserve the same. [41 v. 74, § 2; S. & C. 746.]

Printed copies of the rules to be furnished to the sheriff, etc.

SEC. 9. The sheriff shall, immediately on the receipt of such printed rules, cause a copy thereof to be posted up, and continued, in some conspicuous place in each room and cell of the jail. [41 v. 74, § 3; S. & C. 746.]

Sheriff to post rules in each room and cell.

SEC. 10. The court may, from time to time as it deems necessary, revise, alter, or amend said rules; and such revised, altered, or amended rules shall be printed and disposed of by the commissioners and sheriff in the manner directed in the two preceding sections. [41 v. 74, § 4; S. & C. 746.]

Court may alter rules.

#### SUSTENANCE OF PRISONERS.

SEC. 11. The county commissioners, at the expense of the county, shall provide suitable means for warming the jail and its cells and apartments; frames and sacks for beds; night-buckets; and such fixtures and repairs as may be prescribed by the court; and they may appoint a physician to the jail, at such annual or other salary as they deem reasonable, to be paid out of the county treasury; and such physician, or any physician or surgeon employed in the jail, shall make a report, in writing, whenever required by the commissioners, the grand jury, or the court. [41 v. 74, § 10; S. & C. 747.]

What the county commissioner shall provide.

SEC. 12. The sheriff shall provide for all prisoners fuel, bed, clothing, and nursing when required, and, except for

What the sheriff shall provide.

those confined in jail for debt only, board, and such other necessities as the court in its rules shall designate; and he shall be allowed and paid by the county, for services required by the provisions of this chapter, such compensation as the commissioners may prescribe. [41 v. 74, § 11, S. & C. 747; 29 v. 112, § 4, S. & C. 1398.]

County commissioners may provide for sustenance of prisoners in certain counties.

SEC. 13. The commissioners of any county containing a city of the first class, and having a population exceeding fifty thousand, whenever they deem it for the interest of the county, or the welfare of the prisoners confined in the jail, shall notify the sheriff that they will provide for the sustenance and comfort of such prisoners, and thenceforth, for such time as they deem proper, they shall provide for such prisoners at the expense of the county. [61 v. 78, § 1; S. & S. 406.]

#### PRISONERS OF THE UNITED STATES.

Prisoners of the United States may be confined in jails.

SEC. 14. The sheriff or the keeper of every county jail shall receive all prisoners charged with or convicted of crime, committed to his custody by the authority of the United States, and keep them safely until discharged by due course of law; and every prisoner committed for any offense by the authority of the United States shall be supported at the expense of the same during his confinement in jail, and no greater compensation shall be charged by a sheriff or keeper of a jail, for the subsistence of such prisoners, than is authorized by law to be charged for the subsistence of state prisoners; and the commissioners of a county in which a prisoner so committed may be confined shall be entitled to receive from the United States the sum of one dollar per month for the use of the jail for every person so committed; and a sheriff or jailer who neglects or refuses to perform the services and duties required of him by this section, shall be liable to the like penalties, forfeitures, and actions as if such prisoner had been committed under the authority of this state. [57 v. 108, § 1; S. & C. 749.]

#### USE OF JAILS OF ADJOINING COUNTIES.

When persons in custody may be confined in jail of adjoining county.

SEC. 15. The sheriff, or person acting as such, in any county having no jail, or no sufficient jail, shall convey any person charged with the commission of an offense, or sentenced to imprisonment in the county jail, or in custody upon civil process, to the jail of such adjoining county as he deems most convenient and secure; and such officer may call such aid as may be necessary in guarding, transporting, or returning such person; and whoever neglects or refuses to render such aid, when required, shall forfeit and pay the sum of ten dollars, to be recovered by action in the name and for the use of the county. Such officer and his assistants shall each receive such compensation for their services as the auditor of the county from which such person was removed may deem rea-

reasonable, to be paid out of the county treasury. [29 v. 112, § 5; S. & C. 1399.]

SEC. 16. The sheriff of the county to which such prisoner shall have been removed shall, on being furnished a copy of the process or commitment, receive him into his custody; and he shall be liable for escapes, or other neglect of duty in relation to such prisoner, as in other cases, and shall receive out of the treasury of the county from which he shall have been removed such fees as are allowed by law in other cases. [29 v. 112, § 6; S. & C. 1399.]

Sheriffs of adjoining counties to receive such prisoners.

SEC. 17. If the county from which any such person shall have been so removed has been erected and organized for more than five years, the sheriff or jailer of such adjoining county shall not receive such prisoner unless there be deposited in his hands, in addition to all fees allowed him by law, fifty cents for the use of such jail, for each and every such prisoner, for each week he is ordered to be committed, and the like sum for any period of time less than one week; but if such prisoner be discharged before the expiration of the term for which he was committed, the excess advanced shall be refunded. [50 v. 212, § 1; S. & C. 748.]

In what cases fees to be advanced.

SEC. 18. The sheriff or jailer of such adjoining county shall, at the end of each quarter of each calendar year, account for, and pay to the treasurer of his county, all sums of money thus received. [50 v. 212, § 2; S. & C. 749.]

Quarterly account of certain fees of sheriff.

SEC. 19. The prosecuting attorney of the county from which any person charged with the commission of an offense shall have been removed for safe-keeping shall, at least ten days before the term of the court to which such person was committed for trial, file with the clerk thereof a precept directing that a writ of habeas corpus issue; and the clerk shall thereupon issue such writ, directed to the sheriff having the custody of such person, who, upon service thereof, shall deliver such person to the sheriff holding the writ, who shall bring him before such court, to be dealt with according to law. [29 v. 112, § 7; S. & C. 1399.]

Process, etc., for the return of such prisoners.

SEC. 20. When a writ of habeas corpus is issued for any person so removed and confined in jail, to inquire into the cause of his capture and detention, the county from which such person was sent shall pay all the costs of such proceeding; and upon the presentation of the certificate of the clerk of the proper court, showing the amount of such costs, to the auditor of the county from which such person was sent, he shall draw his order therefor on the treasurer in favor of the clerk, or such person as he shall order, and the clerk shall pay the same to the persons entitled thereto. [50 v. 212, § 3; S. & C. 749.]

How costs of habeas corpus to be paid.

SEC. 21. The county in which such prisoner was confined shall have a right of action against the county from which the prisoner was sent, for all damages by him done to the jail, or other property of the county. [50 v. 212, § 4; S. & C. 749.]

County using jail of another county liable for certain damages.

## CHAPTER 2.

## PENITENTIARY.

## SECTION

1. Appointment of board of directors.
2. How vacancies in the board filled.
3. How the board to organize and conduct business.
4. Board to appoint certain officers.
5. Regular meetings of the board, and inspections.
6. What must be entered on the journal.
7. Directors to prescribe rules and regulations.
8. Board to make annual report to governor.
9. Duties of warden.
10. Warden's accounts to be balanced monthly.
11. Warden to appoint deputy and other officers.
12. General duties of officers, and how vacancies filled.
13. Duties of deputy warden.
14. Duties of the steward.
15. Duties of clerk.
16. Oath of office, and bond.
17. Directors ineligible to certain officers [offices].
18. No contractor or person interested at the prison to be appointed to office there.
19. Officers shall not receive other compensation than herein prescribed.

## SECTION

20. Officers, contractors, etc., shall not have dealings with convicts.
21. Removals and suspensions.
22. Compensation of officers.
23. How money drawn from the treasury.
24. Money due the prison to be paid to warden.
25. Visitors to be charged for admission.
26. Other revenues to be paid to the warden.
27. Hire of convicts authorized.
28. Convicts to labor ten hours a day.
29. Monthly statement to auditor of state.
30. Board must keep convicts employed.
31. Convicts not on contracts to be employed by warden.
32. Warden may employ convicts on work for the state.
33. Warden may hire domestics.
34. Convicts to perform only such kinds of labor as board approve.
35. Rules for treatment of prisoners.
36. Daily record of behavior.
37. United States prisoners to be received.
38. Board may repair or rebuild shops injured or destroyed by fire.

Appoint-  
ment of  
board of di-  
rectors.

Oath.

SECTION 1. The government and management of the Ohio penitentiary shall be vested in a board of five directors, heretofore appointed by the governor under the act of March 16, 1876, 73 v. 34, one to hold his office until the first day of April, 1877, two to hold until the first day of April, 1878, and two to hold until the first day of April, 1879, and until their successors are appointed and qualified; and hereafter, in the month of March of each year, the governor shall appoint, by and with the advice and consent of the senate, members of the board equal in number to those whose terms expire in that year, who shall hold their office for the term of three years, and until their successors are appointed and qualified. Each director, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation of office, which shall be indorsed on his commission. [73 v. 34, § 1.]

SEC. 2. A vacancy in the office of director, for other cause than the expiration of the term, shall be filled by appoint-

ment by the governor, for the unexpired term, subject to the approval of the senate, if in session, and if not in session subject to its approval at its first session thereafter. [73 v. 37, § 14.]

Board to appoint certain officers.

SEC. 3. The directors shall, at their meeting in the month of March in each year, elect one of their number president of the board. Three members of the board shall constitute a quorum for the transaction of business; and no order of the board shall be valid unless concurred in by at least three members, and entered on its journal. [73 v. 34, §§ 2, 3.]

How vacancies in the board filled.

#### DUTIES OF DIRECTORS.

SEC. 4. The board shall appoint a warden, who shall hold his office for the term of three years from the first day of April after his appointment, unless sooner removed by the directors; also a steward, a physician, a chaplain, a clerk, and, when the business requires it, an assistant clerk, who shall hold their offices for two years, unless sooner removed as provided in section twenty-one. [73 v. 35-6, §§ 5, 7.]

How the board to organize and to conduct business.

SEC. 5. The directors shall meet at the penitentiary on the first Tuesday of February, May, August, and November, and examine the books and accounts of the clerk and steward. At least three of the directors shall visit the prison in company on the first Tuesday in each month, and examine all the different departments, and audit all claims against it; and an inspection of the prison shall be made at least once in each month, between the monthly meetings, by a director, or the order of the board. [73 v. 34, 35, § 4.]

Regular meeting of the board, and inspections.

SEC. 6. The directors shall enter on their journal the result of all examinations, whether by a full board or a portion thereof, and all other official acts, which shall be signed by the members present. [73 v. 35, § 4.]

What must be entered on the journal.

SEC. 7. The directors shall prescribe rules and regulations for the government of the prison, specifying the duties of all its officers, and may revise and change the same, from time to time, as circumstances may require. [73 v. 34, § 4.]

Directors to prescribe rules and regulations.

SEC. 8. On or before the twentieth of November in each year the board must report to the governor the condition of the prison, together with a detailed statement of its receipts and expenditures, and such suggestions as its interests may require. [73 v. 35, § 4.]

Board to make annual report to governor.

#### WARDEN.

SEC. 9. The warden shall reside in the penitentiary, in apartments to be assigned to him by the directors, and furnished at the expense of the state, in a plain and substantial manner, under the direction and supervision of the directors; and it shall be his duty—

Duties of warden.

*First.* To carefully supervise the government, discipline, and police of the prison.

*Second.* To give all necessary directions to the inferior



officers and guards, and secure a careful and diligent discharge of their several duties.

*Third.* To examine daily into the state of the prison, and the health, condition, and safety of the convicts.

*Fourth.* To report to the directors, at each quarterly meeting, the number of guards employed, their names and duties, and such other matters as may be required.

*Fifth.* And generally to have charge of all the departments of the prison and its officers. [73 v. 35, § 6]

Warden's accounts to be balanced monthly.

Sec. 10. He shall balance his cash account each month, and report the same to the board, if in session, or at its first meeting thereafter; and on the fifth week day of each month he shall pay into the state treasury so much of the funds in his hands as, in the opinion of the board, is not required for the current use of the penitentiary. [73 v. 35, § 20.]

Warden to appoint deputy and other officers.

Sec. 11. He shall, by and with the consent of the board, appoint a deputy warden, superintendents of the yard, kitchen, state shops, and hospital, a captain of the night-watch, and, subject to the right of the board at any time to order the number increased or diminished, as many guards as may be necessary, who shall hold their offices for the term of two years, unless sooner removed, as provided in section twenty-one. [73 v. 35, § 7.]

General duties of officers, and how vacancies filled.

Sec. 12. Officers appointed by the board, or by the warden by and with the consent of the board, shall discharge the duties pertaining to their positions, under the direction of the warden, and in pursuance of the rules and regulations of the board and the provisions of this title; and all vacancies in such offices shall be filled in the same manner as appointments are made. [73 v. 36-7, §§ 7, 14.]

#### DEPUTY WARDEN.

Duties of deputy warden.

Sec. 13. The deputy warden shall, in the absence or disability of the warden, or in case of his death, resignation, or removal, discharge all the duties of warden in addition to such other duties as may be prescribed. [73 v. 36, § 9.]

#### STEWARD.

Duties of the steward.

Sec. 14. The steward shall purchase all the forage, fuel, and lights, and all supplies for the kitchen and hospital, and all articles for manufacturing and repairs in the state shops, and make all sales for the penitentiary, under the written orders of the warden, and subject to such rules and regulations as the board may prescribe. He shall file and preserve all such orders, and keep a full and accurate account of all purchases and sales made by him, in books to be furnished by the board, and which shall be open at all times to the inspection of the warden of the board, or any member of the board. All other articles and supplies shall be purchased by order and under the direction of the board. [73 v. 36, § 10.]

## CLERK.

SEC. 15. The clerk shall keep the accounts of the prison in such manner as to exhibit clearly all the financial transactions relating to it. He shall also keep a register of convicts, in which shall be entered the name of each convict, the crime of which he was convicted, the date of conviction, period of sentence, from what county, by what court sentenced, his nativity, an accurate description of his person, and, if known, whether he has been previously confined in a penitentiary in this or any other state, and when and how he was discharged. He shall also act as secretary of the board. [73 v. 36, § 8.]

Duties of clerk.

SEC. 16. All persons appointed by the board, or by the warden by and with the consent of the board, shall take an oath of office, and enter into a bond to the state, that they will faithfully discharge the duties which devolve upon them. The bond of the warden to be in the sum of ten thousand dollars, with two good and sufficient freehold sureties, to be approved by the board and the attorney general; and the bonds of other appointees, with sureties to the satisfaction of the board, to be each in the sum specified, as follows: deputy warden and clerk, three thousand dollars; steward, five thousand dollars; captain of the night-watch and superintendents, six hundred dollars; and guards, five hundred dollars. All such bonds shall be drawn by the attorney general, and deposited with the treasurer of state. [73 v. 35, 37, 43, §§ 7, 15, 36]

Oath of office and bond.

## DISABILITIES AND PENALTIES.

SEC. 17. A director shall not be appointed to any other office under this chapter during the period for which he was appointed such director. [37 v. 36, § 11.]

Director ineligible to certain offices.

SEC. 18. No person shall be appointed to office at the penitentiary, or be employed thereat on behalf of the state, who is a contractor, or the agent or employé of a contractor, or who is interested, directly or indirectly, in any business carried on therein; and should any officer or employé become such contractor, his agent or employé, or interested in such business, it shall be cause for his removal; and no person who is not a citizen of Ohio, or is less than twenty-one years of age, shall be appointed a guard, or a superintendent of a shop or kitchen, or captain of the night-watch; nor shall any person be appointed to office, or employed by virtue of this chapter, who is in the habit of using intoxicating liquors; and a single act of intoxication shall justify a removal or discharge. [73 v. 36, § 12.]

No contractor or person interested in business at the penitentiary shall be appointed to office therein.

SEC. 19. No officer shall receive, directly or indirectly, any other compensation for his services than that herein prescribed, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employé of a contractor. An officer violating this section

Officers shall not receive other compensation than herein prescribed.

shall be dismissed from his office, and the contractor, or employé, or agent of a contractor concerned in such violation, shall be expelled from the penitentiary, and not again permitted within it as a contractor, agent, or employé. [73 v. 42, § 32.]

Officers, contractors, etc., shall not have dealings with convicts.

SEC. 20. No officer, contractor, or employé of a contractor shall make any gift or present to, or receive any from, or have any barter or dealings with, a convict; and for every violation of this section, the party engaged therein shall incur the same penalty as is prescribed in the last section. [73 v. 112, § 33.]

Removals and suspensions.

SEC. 21. An officer appointed by the board, or by the warden by and with the consent of the board, may be suspended or removed by the board for delinquency in the discharge of his duty, misconduct in office, or any other cause which materially affects his usefulness; and the reasons therefor shall be fully stated upon the journal of the board. And for like cause any such officer may be suspended by the warden, who shall present to the board in writing, at its next meeting, his reasons therefor; and if the suspension be approved, the officer shall be discharged, and if not, he shall be reinstated; and if reinstated the board may, in its discretion, order that he shall receive his pay during the time of such suspension. [73 v. 36, § 13]

#### COMPENSATION.

Compensation of officers.

SEC. 22. The officers shall receive the following compensation: The directors, in addition to their necessary traveling expenses, shall be paid the sum of three dollars a day for the time necessarily employed in the discharge of their official duties; the warden two thousand dollars a year; the deputy warden fifteen hundred dollars a year; the clerk twelve hundred dollars a year; the assistant clerk, in the discretion of the board, not exceeding one thousand dollars a year; the steward fifteen hundred dollars a year; the physician one thousand dollars a year; the chaplain twelve hundred dollars a year; the superintendents of the yard, kitchen, state shops, and hospital, and officers in charge of guard-room, seventy-five dollars each a calendar month; the male guards sixty-five dollars, and the female guards fifty dollars, each, a calendar month. The directors and officers shall be paid monthly out of the state treasury, on the warrant of the auditor. [73 v. 37, § 15]

#### RECEIPTS AND DISBURSEMENTS.

How money drawn from the treasury.

SEC. 23. No money shall be drawn from the treasury except upon accounts duly certified by the warden, and approved by at least two directors. A duplicate of every such account shall be filed with the clerk. [73 v. 37, § 16]

Money due the prison to be paid to warden.

SEC. 24. No money shall be paid to the steward for or on account of any claim due the penitentiary for sales made by him, or other acts of his; but all money so due shall be paid

to the warden. Duplicate accounts thereof shall be made by the steward, one to be retained by him, and the other certified to the warden. When the amount is paid to the warden he shall receipt the account, and it shall be properly entered upon the books by the clerk, and payment to the warden alone shall discharge such liability. [73 v. 37, § 17.]

SEC. 25. Visitors may be charged a reasonable sum for going through the prison, which sum shall be prescribed by the board. The warden shall procure suitable tickets, which shall be sold by the clerk, who shall keep an account of such sales, and pay the money to the warden daily. The guard at the door of the guard-room shall receive the tickets, and also keep an account of them in a book as they are received, and return them to the clerk each day before the prison is closed. [73 v. 37, § 18.]

Visitors to be charged for admission.

SEC. 26. All other revenues, except as herein otherwise provided, shall be paid to the warden. [73 v. 38, § 19.]

Other revenues to be paid to the warden.

#### LABOR OF CONVICTS.

SEC. 27. To provide for hard labor by each convict according to his sentence, the board is authorized and required to let and hire the labor of the convicts upon such branches of business, and for the manufacture of such articles, as in its judgment will best accomplish that end, and subserve the interests of the state, which letting and hiring shall be as follows:

Hire of convicts authorized.

*First.* The letting shall be advertised by the warden in two of the newspapers published in Columbus, and in one in each of the cities of Cleveland and Cincinnati, once a week for at least four weeks, and by such further notice as the board may direct. The advertisement shall specify the number of men to be let, the length of time, which shall not exceed five years, and the last day on which bids will be received.

Advertised before letting.

*Second.* The board may, in its discretion, designate what articles or class of articles shall be manufactured.

*Third.* Each bidder may separately state in his bid what he will give for the labor bid for, with or without the exclusive right to manufacture the articles specified.

What bids to out.

*Fourth.* Each bid shall specify each class of articles proposed to be manufactured, and the number of square feet of shop-room which will be required.

*Fifth.* Each bid shall be unconditional.

*Sixth.* The price per day for each convict shall be specified; and if a different price per day be stated for different periods, each period and its price must be so stated that one may be accepted and the others rejected; but no bid shall be received, nor shall any contract be made, for less than seventy cents per day for the labor of each convict, nor shall the labor of convicts, excepting convicts sentenced for one year, cripples, females, and minors, and those disabled by disease or old age, be temporarily hired at less than that rate.

- To be accompanied by bond.** *Seventh.* If the person bidding desires to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.
- When to be opened.** *Eighth.* Each bid must be accompanied by a bond, with sureties to the satisfaction of the board, that the bidder will comply with the terms of his bid, if it be accepted, which shall be sealed up, and addressed to the warden.
- Discretion when bids are equal.** *Ninth.* The bids shall be opened by the board at its next meeting, whether monthly or quarterly, after the last day specified for receiving the bids, and the labor shall be awarded to the highest bidder, subject to the following regulations:
- Bids may be rejected.** (a) As between bids which are for substantially the same price, the board may, in its discretion, give a preference to the one which, in its judgment, will best promote the interests of the state.
- (b) As between bids by the same party, one with and the other without the exclusive right to manufacture, the board may accept either.
- (c) The board may reject all bids, if they are for less than a fair and reasonable price for the labor bid for, and shall not be required, in any case to apportion the labor advertised among the bidders, or any number of them.
- (d) Any bid may be rejected, if it be against the interest of the state, or the welfare of the convicts, to manufacture in the prison the articles specified.
- Contract to be made on bid taken.** *Tenth.* When a bid is accepted, and labor awarded to the bidder, the directors, on the part of the state, and the bidder, shall enter into a contract in pursuance of the bid; and such bidder shall also procure a bond, to be executed to the satisfaction of the board, conditioned for the faithful performance of the contract on his part.
- Time given successful bidder to get machinery.** *Eleventh.* The board may give to a bidder, after he enters into a contract, a reasonable time to procure machinery and make preparation for manufacturing not exceeding sixty days from the acceptance of the bid.
- Twelfth.* If a contract be made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party, and within the same period, and for the manufacture of the same articles, or any of them, shall terminate at the same time with the first contract.
- Contractors must manufacture articles according to bid.** *Thirteenth.* If a contractor fail to manufacture one or more articles specified in his contract, the board may give him three months' notice to manufacture them, and on failure of the contractor to do so within that period, the right to manufacture them shall cease and determine.
- Foremen of shops to take oath of office.** *Fourteenth.* The foremen of the shops of the different contractors, before entering upon their duties, shall take an oath to obey the laws regulating the penitentiary, and to observe all the rules and regulations adopted by the board of directors. [73 v. 38, § 21.]

**SEC. 28.** The convicts shall labor for the contractors an average of ten hours a day during the year, Sundays excepted. [73 v. 39, § 22.]

Convicts to labor ten hours a day.

**SEC. 29.** On or before the fifth week-day of each month the clerk shall make, and the warden certify and deliver to the auditor of state, a statement of the amount due from each contractor for the preceding calendar month; and within five days thereafter each contractor shall, in the ordinary mode prescribed by law, pay the amount due into the state treasury; provided, a credit of three months may, at the discretion of the board, be allowed to the several contractors; and provided further, that within the time aforesaid, in the month of November in each year, payment in full for the previous year shall be made. [73 v. 39, § 23.]

Monthly statement to auditor of state.

**SEC. 30.** It shall be the duty of the board to keep as many men constantly employed on contracts as the interest of the state will permit. [73 v. 40, § 24.]

Board must keep convicts employed.

**SEC. 31.** All convicts not employed on contracts may be employed by the directors and warden in the performance of work as may be for the good of the convict, advantage to the regulation and management of the prison, or of profit to the state, or temporarily hired, which hiring shall terminate whenever their labor is required on any contract. [73 v. 40, § 25.]

Convicts not on contracts to be employed by warden.

**SEC. 32.** The warden, under the direction of the board, may employ a portion of the convicts in the manufacture of any articles used by the state, in carrying on the penitentiary. He may also procure machinery and prepare shop-room for that purpose, and employ such persons as may be necessary to instruct the convicts in such manufacture. If such persons be employed, the terms of employment shall be fixed and determined by the board. [73 v. 40, § 26.]

Warden may employ convicts on work for the state.

**SEC. 33.** A sufficient number of convicts may be hired by the warden for domestic purposes, on terms to be agreed upon by him and the board; but no superintendent of the kitchen or state shops, captain of the watch, or male guard, shall board in the institution. The matron and female guards may, in the discretion of the board, be permitted to board themselves in the female prison department. No officer shall be required to board in the institution except the warden. The board shall provide for the lodging of such number of guards as may by them be required to remain at the prison during the night. [73 v. 40 § 27.]

Warden may hire domestics.

**SEC. 34.** No work, labor, or service shall be performed by a convict within the penitentiary except as herein provided for, unless it be expressly authorized by the board. [73 v. 40, § 28.]

Convicts to perform only such kinds of labor as board approve.

#### TREATMENT OF PRISONERS.

**SEC. 35.** In the treatment of prisoners, the following general rules shall be observed:

Rules for treatment of prisoners.

*First.* Each convict shall be provided with a bed of straw,

or other suitable material, and sufficient covering, with garments of coarse material, and with sufficient plain and wholesome food, of such variety as may be most conducive to health.

*Second.* If a prisoner is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the board to modify it so far as may be necessary to prevent any serious injury to health. No unnecessary labor shall be required of any convict on Sunday.

**Punishment.**

*Third.* No punishment shall be inflicted except by the order and under the direction of the warden or deputy warden.

*Fourth.* All money in possession of a prisoner when delivered at the penitentiary shall be properly entered on the clerk's books, and, if not otherwise disposed of by the prisoner, shall be deposited in the treasury by the warden, with other funds in his hands.

*Fifth.* The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

*Sixth.* Each convict, when he leaves the penitentiary, shall receive a suit of citizen's clothes, and the money taken from him when he entered, and which was not disposed of by his order, and what he may have earned by good behavior and diligent labor.

*Seventh.* If a convict be insane at the time of the expiration of his sentence, the warden shall give notice, in writing, to the probate judge of the county from which he was sent, of the fact of such insanity; and such judge shall forthwith issue his warrant to the sheriff of such county, commanding him to remove such insane convict, and return him to such county. Upon receipt of such warrant, the sheriff shall execute the same forthwith, and make return thereof to the probate judge by whom it was issued; and thereupon the probate judge shall immediately order such insane person to be confined and provided for as directed by the twenty-fifth section of an act entitled "An act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7, 1856 (53 v. 81), and the sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, and the auditor of the county shall draw an order upon the county treasurer for the amount. If any probate judge, after having been so notified by the warden, neglect to issue his warrant as herein provided, or if any sheriff neglect to remove such insane convict, as required by the provisions of this section, the warden shall cause such insane convict to be removed and returned to the county from which he was sent, in charge of an officer of the penitentiary, or some other suitable person; and the cost of such removal shall be paid out of the

Rules to be printed and hung up in shops.

Convicts leaving penitentiary furnished with clothes, etc.

Insane convicts.

county treasury, upon the warrant of the county auditor.  
[73 v. 40, § 29.]

#### REWARDS.

**SEC. 36.** In order that good behavior may be properly rewarded, the board shall provide in its rules and regulations for a correct daily record of the conduct of each prisoner, and his fidelity and diligence in the performance of his work; and each one who is sentenced for a definite time shall be entitled to diminish the period of his sentence, and receive a portion of his earnings, and be restored to citizenship, under the following rules and regulations:

Daily record  
of behavior.

*First.* For each month, commencing on the first day after his arrival at the penitentiary, during which he has not been guilty of a violation of discipline, or any of the rules of the prison, and has labored with diligence and fidelity, he shall be allowed a deduction of five days from the period of his sentence, and a portion of his earnings not exceeding one-tenth of the average price of convict labor.

Sentence  
shortened by  
good be-  
havior.

*Second.* For every violation of the rules and discipline, or for want of fidelity and care in the performance of work, the convict shall not only forfeit all gained time and earnings for the month in which the delinquency, occurs, but, according to the aggravated nature or frequency of his offenses, the board may deduct a portion or all of his previously earned time or money, or either of them.

Violation of  
rules—what  
convict for-  
feits.

*Third.* If a convict pass the entire period of his sentence without any violation of the rules and discipline, he shall be entitled to a certificate thereof from the warden, and on presenting it to the governor he shall receive a pardon, and be restored to citizenship.

Entitled to  
certificate  
for good be-  
havior.

*Fourth.* If he be prevented from laboring by sickness or other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days deduction from his sentence each month.

Directors to  
allow sick  
prisoners,  
etc., money  
to go back to  
county  
where sen-  
tenced.

*Fifth.* If he be unable to earn anything by reason of sickness or infirmity, during his confinement, and his conduct has been good, the board may allow him a sum sufficient to defray his expenses to the county where he was convicted.

*Sixth.* Each convict who performs labor, but not on a contract, and whose conduct and fidelity entitle him to it, shall be allowed a sum in lieu of earnings, which shall not exceed one-tenth of the average contract price for labor in the prison. [73 v. 42, § 33.]

#### UNITED STATES PRISONERS.

**SEC. 37.** All criminals sentenced to the penitentiary by the authority of the United States, shall be received and kept according to the sentence of the court by which they were tried; and the prisoners so confined shall be subject, in all respects, to the same discipline and treatment as though

United  
States pris-  
oners re-  
ceived.



committed under the laws of this state. The warden is hereby authorized to charge and receive from the United States, for the use of the state, for each prisoner, forty cents a day for board, the cost of all clothing which may be furnished, and one dollar a month for the use of the prison, and, if additional guards be required, the compensation of such guards and no other or further charge shall be made by any officer for or on account of such prisoners. [72 v. 42, § 31.]

Board may  
repair or re-  
build shops  
injured or de-  
stroyed by  
fire.

SEC. 38. If any of the shops or buildings in which the convicts are employed be destroyed or injured by fire, they may be rebuilt or repaired immediately, under the direction of the board, and the expense thereof paid out of any funds in the state treasury not otherwise appropriated by law. [73 v. 43, § 37.]

### CHAPTER 3.

#### ACTS REPEALED.

SECTION 1. The following acts and parts of acts are hereby repealed:

1. The act of March 13, 1843, entitled "An act for the regulation of county jails."

2. The act of April 20, 1852, entitled "An act regulating the use of jails of adjoining counties."

3. The act of March 26, 1860, entitled "An act to provide for the confinement of prisoners under the laws of the United States, in the jails of this state, and to repeal certain acts therein named."

4. Sections four, five, six, seven, of the act of February 25, 1824, entitled "An act defining the duties of sheriffs and coroners in certain cases."

5. The act of March 28, 1864, entitled "An act to amend section one of an act entitled 'an act supplementary to the act for the regulation of county jails,' passed March 13, 1843, passed March 16, 1860."

6. The act of March 16, 1876, entitled "An act to regulate and govern the Ohio penitentiary, and to repeal certain acts therein named."

SEC. 2. This act shall take effect from and after July 1, 1877.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

63d General Assembly, }  
Adjourned Session. }

S. B. No. 282.

MR. ANDREWS.

A BILL

To amend section one [1] of an act entitled "An act providing for the election of county auditors, and prescribing their duties," passed April 18, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled an "Act prescribing the duties of county auditors," be amended so as to read as follows:

Section 1. That there shall hereafter be elected by the qualified electors in each county in this state, on the second Tuesday in October, triennially, one county auditor for such county, who shall hold his office for three years from second Monday in November next after his election: provided that county auditors now in office shall serve during the term for which they were elected.

SEC. 2. That said original section one be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

In senate, passed March 28, 1877.

Attest:

J. C. DONALDSON,  
Clerk.

In house of representatives, passed May 1, 1877.

Attest:

WM. LEONARD,  
Clerk.

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STATE OF OHIO, DEPARTMENT OF STATE,  
COLUMBUS, May 25, 1877.

HON. JOHN LITTLE, *Attorney-General*, Ohio:

SIR: I have the honor herewith to request your opinion and direction in the premises upon the following statement of facts, to wit:

I have this day received from the enrolling clerk of the senate, to be filed in this office, the foregoing, which purports to be the engrossed senate bill, number 2-2, entitled "A bill to amend section one of an act providing for the election of county auditors, and prescribing their duties," passed April 18, 1870.

Said bill purports to have been passed by the senate and house of representatives of the sixty-second general assembly of Ohio, and bears the following indorsements, to wit: "In senate, passed March 28, 1877. Attest: J. C. Donaldson, clerk;" also, "In house of representatives, passed May 1, 1877. Attest: Wm. Leonard, clerk." In this connection I am informed that the journals of the senate and house of representatives show that a bill, such as this purports to be, was passed, properly enrolled, and duly signed by the presiding officer of each of the two houses aforesaid, but not spread upon the journal of either house, and no such enrolled bill was presented or filed in this office, and, it appears, can not now be found; therefore,

*First*—Has the bill, under the circumstances, as above stated, any validity as a law of the state?

*Second*—Can the defects referred to be cured by the certificate, or other action of the secretary of state, embodying the facts in relation to the same?

*Third*—What is the duty of the secretary of state in such case as to the publication of such bill in the annual volume of the laws, passed by the general assembly as aforesaid?

Your early attention to the foregoing inquiries will greatly oblige,

Very respectfully, your obedient servant,

MILTON BARNES,  
*Secretary of State.*

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STATE OF OHIO, ATTORNEY-GENERAL'S OFFICE,  
COLUMBUS, June 9, 1877.

HON. MILTON BARNES, *Secretary of State* :

SIR: In yours of the 25th ult. you state that, since the adjournment of the general assembly, you have received from the enrolling clerk of the senate, to be filed in your office, what purports to be engrossed senate bill number 282, entitled "A bill to amend section one of an act providing for the election of county auditors, and prescribing their duties, passed April 18, 1870;" that said bill has upon it the following indorsements in writing, to wit: "In senate, passed March 28, 1877. Attest: J. C. Donaldson, clerk." "In house of representatives, passed May 1, 1877. Attest: Wm. Leonard, clerk;" that the journals of the houses show that a senate bill by said number and title did pass both houses as indicated by said indorsements; that the same was properly enrolled and duly signed by the presiding officer of each house; but that such bill was not spread upon the journal of either house, nor was a copy of the enrolled bill thus signed, filed in, or received at your office.

And you ask my opinion as to whether said bill (the enrolled and signed copy being thus apparently lost) became a law, and as to your duty respecting its publication in the forthcoming volume of the laws. My conclusion upon the facts stated is, that the bill became and is a law. The failure to deposit in the office of the secretary of state, as required by the joint rules of the two houses, did not affect its validity. The loss of an enrolled and signed bill, either before or after deposit (the effect would be the same in either case), can not certainly operate to repeal or do away with it. The practical difficulty (not insurmountable, I think) is one as to identity. How can it be legally established what the law inscribed on the lost roll is? The law exists, *but what is it?*

As an aid in determining this question, and not as *prima facie* evidence, even, of what the act is, I advise you to publish in the current volume of the session laws, the engrossed bill in your possession, accompanied with a succinct statement of the facts above mentioned.

Very respectfully,

JOHN LITTLE,  
*Attorney-General.*

# LOCAL AND SPECIAL ACTS.

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## AN ACT

For the relief of P. M. Snell and G. L. McAdams.

WHEREAS, On the thirteenth day of July, A.D. 1863, company F, of the first Ohio militia regiment, by Captain E. T. Ware, its commander, then acting under the orders of the governor of Ohio, took and impressed into the state service a team of horses and wagon, valued at two hundred dollars, belonging to the firm of Snell and McAdams, of Williamsburg township, Clermont county, Ohio, which team and wagon were never returned to said owners; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any unappropriated money in the treasury of the state, the sum of two hundred dollars, in full payment of the claim of said firm, to be paid upon the warrant of the auditor of state.

SEC. 2. This act shall take effect and be in force from and after its passage.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 15, 1877.

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## AN ACT

To authorize the creation of a special joint school district, composed of parts of Clay and Jackson townships, Knox county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory comprised in sub-district number one, in Clay township, also the following described territory, to wit: Beginning on the line between Clay and Jackson townships, at the north-east corner of the lands of George W. Porterfield (except the twenty acres from Laughrey farm); thence west to the south-east corner of the lands of L. N. Mills, at Mt. Vernon road; thence north and north-west along Mt. Vernon road to Tomaky run; thence north on the west line of the lands of Samuel Harris to the north-west corner; thence east on the north line of the lands of the said Samuel Harris to the lands of James Edmiston; thence north to the north-west corner of said lands; thence east to said township line; thence south to the place of beginning in Clay township, Knox county, and sub-district number four in Jackson township, except the lands of Solomon Hamill, also the following described territory: Beginning on the township line at the corner of George W. Porterfield's lands as aforesaid; thence north one-half mile; thence east one-half mile; thence south one-half mile; thence west one-half mile to the place of beginning in Jackson township, Knox county, Ohio, be and the same are hereby created and declared to constitute a special school district: provided,

however, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election to be held in the manner following:

SEC. 2. Written notice shall be posted in at least six of the most public places in said territory, signed by at least six resident electors of the same, requesting the qualified electors thereof to assemble on a day at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall constitute a board of election, which shall continue from the hour of two until the hour of six P.M. of said day. The electors in favor of the proposed special school district, shall write upon their ballots, "School—Yes," and those opposed thereto, "School—No," and a majority of the votes so cast shall determine whether or not the proposed special school district shall be created.

SEC. 3. If a majority of the votes cast at said election should be in favor of said special district, the electors shall, on the second Monday of April next after the passage of this act (or as soon thereafter as would be practicable, giving due notice of the same), proceed to elect the board of education, consisting of three members, one for one year, one for two years, and one for three years, who shall hold their offices for the term specified, and until their successors are elected and qualified. The said special school district shall be governed in all respects by such laws as do now or may hereafter be in force relating to special school districts.

SEC. 4. This act shall take effect from and after its passage.

O. J. HODGE.

*Speaker pro tem. of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 15, 1877.

#### AN ACT

To authorize the council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the commissioners of Portage county, Ohio, across the Cuyahoga river in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

WHEREAS, The commissioners of Portage county, Ohio, have executed a contract with T. B. Townsend for the construction by said Townsend of a triple arch stone bridge across the Cuyahoga river, at Main street, in the incorporated village of Kent; and,

WHEREAS, The council of said incorporated village of Kent are desirous of having said bridge built twenty (20) feet wider than the contract of said commissioners calls for, by the construction of ten (10) feet additions on each side thereof, and are desirous of making a private contract with said Townsend therefor; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of said incorporated village be and are hereby authorized and empowered to make a private contract with said Townsend for the construction of ten (10) feet additions on each side of said proposed bridge, at a cost not materially exceeding the *pro rata* agreed to be paid by the commissioners of said county for said bridge, and the certificate of the

corporation clerk on the back of said contract, as required by section 663 of the municipal code, as amended April 8, 1876, shall not be necessary to make said contract legal, valid, and binding.

SEC. 2. That for the purpose of raising money to pay for said additions to said bridge, said council be and are hereby authorized to issue and sell the bonds of said village at not less than their par value, not exceeding eight thousand dollars in amount, and of such denominations as said council may determine, not less than one hundred dollars nor more than one thousand dollars each, signed by the mayor and clerk of said village, payable at such time as the council may determine, not exceeding ten years after date, bearing a rate of interest not exceeding eight per cent. per annum, payable annually.

SEC. 3. For the purpose of paying said bonds so authorized to be issued by this act, said council of said village are hereby authorized and empowered to levy a tax upon all the taxable property of said village, in addition to the amount already allowed by law, every year during the period said bonds have to run, sufficient in amount each year to redeem that portion of the bonds issued in pursuance of this act, that will fall due during said year, and all the accruing interest on said bonds, and the money so raised shall not be used for any other purpose.

SEC. 4. In order to carry into effect the objects of this act, the said council of the incorporated village of Kent, or their successors in office, shall have the right to contract with, and they are hereby empowered in the name and behalf of said incorporated village, to enter into contract with said commissioners of Portage county, or their successors in office, in behalf of said county, in reference to the extension, construction, connections, increased width of, and maintenance of said bridge, or any part or parts thereof, and the title to and control of the several parts, or any part thereof, when constructed, or in reference to any question as to the manner of constructing the same, and the several parts thereof, or any part thereof constructed or to be constructed by said commissioners for said county, as well as the parts constructed for or to be constructed by and for said incorporated village, and the said county commissioners shall have, and they are hereby empowered with like authority as is herein conferred upon said incorporated village of Kent, to contract with said incorporated village of Kent for the purpose of carrying into effect the objects set forth in this section and in this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 15, 1877.

#### AN ACT

For the relief of William Hodkinson, treasure of Parkman township, Geauga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Parkman township, Geauga county, Ohio, be and they are hereby authorized to cause to be levied upon the taxable property of said township, a tax sufficient in amount to refund the sum of one hundred*

and seventy-four dollars, stolen from the dwelling-house of William Hodgkinson, during his temporary absence therefrom, the said sum of one hundred and seventy-four dollars, being funds of said township of Parkman, and the said Hodgkinson being at that time treasurer thereof; and to relieve the said Hodgkinson from all liability on account of the stealing and loss of said money; provided, that such levy shall not be made until a majority of the electors of said township voting at an election when the question is submitted, shall vote in favor thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 15, 1877.

#### AN ACT.

To create a subdivision in Thompson township, Delaware county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Thompson and Scioto townships, Delaware county, Ohio, are authorized and required to create a new subdistrict, bounded and described as follows: beginning on the west line of Delaware county, and west line of Scioto township, at the crossing of Boke's creek, on said line; thence easterly with the meanderings of said creek to the east line of Richmond's survey (No. 4070); thence northerly with said line to the north line of Scioto township and south line of Thompson township; thence westerly with said township line to the east line of Haggard's survey (No. 6138), in Thompson township; thence north with said survey line to the north-east corner of lot number five in said Haggard's survey; thence west with the north line of lots numbers, five (5), six (6), seven (7), eight (8), and nine (9), to the west line of said survey and county road; thence north with said line and road to the north-east corner of Beard's land, in Haggard's survey (No. 6134); thence west with said Beard's north line to his north-west corner; thence south with his west line and the west line of B. Jones' land to the west line of the county; thence south with said line to Boke's creek to the place of beginning.

SEC. 2. That the board of education shall erect a school house on the site selected by the committees of said board, on the road and line between John Bonner and James Stultz's lands. Said board of education may determine what kind of building they erect. Said school-house shall be completed within six months from the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed January 18, 1877.

## AN ACT

To authorize the commissioners of Hocking county to transfer any balance of unexpended money raised for infirmary building purposes to county bridge and poor fund.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hocking county be and they are hereby authorized to transfer the balance of any fund or funds raised for the purpose of erecting infirmary buildings, or for paying any debt incurred in building the same, after the said buildings shall have been completed and paid for, to the county bridge and poor funds, in equal proportions.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed January 18, 1877.

## AN ACT

To authorize the commissioners of Athens county to transfer funds from the railroad fund to the general fund.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county be, and they are hereby authorized, to transfer the sum of five thousand nine hundred and ninety-three dollars and seventy-eight cents, being money remaining in the treasury of said county belonging to the railroad bond fund of said county (all of the debt for which said fund was raised having been paid off), to the general fund of said county.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed January 18, 1877.

## AN ACT

To authorize the commissioners of Brown county, Ohio, to build and put in repair certain free turnpike roads named therein.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike roads, viz.:

*First Road.*—Commencing at the terminus of the Ripley and Hillsborough free turnpike road, in Jackson township, north of Carlisle, to the Highland county line, on or as near the old road as practicable, and also to put in good repair the free turnpike road from Ripley to its terminus in Jackson township.

*Second Road.*—Commencing in Huntington township, at a point near Evan Griffith's, in the Ripley and Bradysville turnpike road, thence on the old Ripley and Aberdeen road, or as near thereon as practicable, to



the junction of the same with the Aberdeen and Huntington free turnpike road.

*Third Road.*—Commencing at the terminus of the Ripley and Arnheim free pike at Arnheim, thence to the Highland county line via Sardinia.

*Fourth Road.*—To complete the construction of the free turnpike road from Georgetown to Fayetteville, in said county.

*Fifth Road.*—Commencing at the terminus of the Ripley and Bradysville turnpike road, and running to the Adams county line, near Walker Early's, on or near the original survey.

*Sixth Road.*—Commencing at the cross-roads about one mile south of Russellville, in said county, and running on the line of the old state road, or as near thereto, as practicable, and intersecting the Ripley and Locust Grove turnpike road, about one-half mile west of the town of Decatur.

*Seventh Road.*—Commencing at Mt. Orab, thence on the line of the Williamsburg and Winchester state road, known as the old plank road, to Sardinia.

*Eighth Road.*—To complete the construction of the free turnpike road from the county line, at the terminus of the Princetown and Hillsborough turnpike, to Chasetown, in Brown county, there to connect with the Fayetteville and Georgetown turnpike road.

*Ninth Road.*—Commencing at a point in the Russellville and Winchester pike, near Samuel McNoun's, thence with the road leading eastwardly past said McNoun's residence, to the Adams county line.

*Tenth Road.*—Hamersville, via of Whiteoak valley, to Walls' cross-roads, on the Georgetown and Newhope turnpike road.

*Eleventh Road.*—Beginning at West's school house, on the Georgetown and Bethel free pike; thence leading to Feesburg, intersecting the Higginsport and Feesburg free turnpike road; thence running from Feesburg to the county line, near the village of Brownsville, on the Feesburg and Bethel road.

*Twelfth Road.*—Commencing at the colored school-house on the free pike leading from Higginsport to Feesburg; thence on the old Newmarket road, passing the residences of George Love, B. B. Gardner, John Ellis, and Jephthah Gardner; also, by way of Eden Church to the Georgetown and Cincinnati free pike, in said county.

SEC. 2. That before the county commissioners shall proceed, under the provisions of this act, to contract for the construction of any portion of the new roads named therein, they shall first require to be raised fifty per cent. of the whole cost of the same, by a *bona fide* subscription, with good and sufficient security for the payment thereof by those most directly interested in the construction of the same.

SEC. 3. Said commissioners shall not levy any tax for the building of said new roads, until this act shall have been submitted to a vote of the people of said county at some general election, and ratified by them, and not sooner than six months after its passage.

SEC. 4. Said commissioners shall not levy, in any one year, a tax to exceed one and a half mills on the dollar on all taxable property, both real and personal, in said county, for the construction of said roads.

SEC. 5. Said commissioners shall not build, in any one year, a greater number of miles of said pike than the funds arising from said levy of one and one-half mills, in addition to the fifty per cent., will complete; and the amount so raised shall be applied equally to any three of the roads named in this act, which said commissioners may choose.

SEC. 6. This act shall take effect, and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 26, 1877.

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AN ACT

To authorize the transfer of certain funds therein named, now in the treasury of the city of Mount Vernon, Knox county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Mount Vernon be and they are hereby authorized to permanently transfer one thousand dollars now in said city treasury, belonging to the gas fund, to the fire fund of said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 26, 1877.

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AN ACT

To authorize the town council of the incorporated village of Coshocton to erect a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Coshocton, Ohio, are hereby authorized to issue bonds not exceeding in amount ten thousand dollars (\$10,000), to raise money to build a village hall and prison house, upon ground already purchased for said purpose; said bonds to be signed by the mayor and clerk of said village, and to be in sums not less than fifty, nor more than five hundred dollars each, and bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest of said bonds to be paid as the village council may direct, not exceeding five years from the issuing of said bonds: provided, the said bonds shall be sold at not less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same may become due, the said village council are hereby authorized and empowered to levy a tax on the taxable property of said incorporation, in such amounts annually, commencing in the year 1877, as will be sufficient to pay the principal and interest of said bonds as they may become due in each year, as the said village council may determine; and the money so raised shall not be used for any other purpose than to pay said bonds and interest thereon.

SEC. 3. This act shall take effect and be in full force on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*

H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 26, 1877.

## AN ACT

To authorize the trustees of Sharon township, Richland county, to transfer certain money therein named, to the general fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the unexpended balance in the treasury of Sharon township, Richland county, Ohio, originally levied to pay outstanding bonds issued to erect a town hall in said township, may, and the same is hereby transferred to the general township fund in said township, to be expended by the trustees of said township, for any purpose now authorized by law.*

SEC. 2. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed January 31, 1877.

## AN ACT

Fixing the times of holding the district courts in the several counties in the eighth judicial district for the year 1877.

WHEREAS, Difficulty has arisen, and may arise, by reason of error, in entering upon the journals of the courts within and for the eighth judicial district, the times for holding the district courts therein, as fixed by the judges thereof; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the district courts within and for the several counties in the eighth judicial district, for the year 1877, be and the same shall be held as follows: Commencing—in the county of Belmont, April 11th; in the county of Guernsey, September 10th; in the county of Harrison, September 4th; in the county of Jefferson, April 3d; in the county of Monroe, April 9th; in the county of Morgan, September 20th; in the county of Muskingum, September 24th; in the county of Noble, September 13th; in the county of Tuscarawas, September 6th.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed January 31, 1877.

## AN ACT

For the relief of E. J. Nuckols, and sureties, treasurer of Paint township, Ross county, Ohio.

WHEREAS, On the 29th day of March, A. D. 1876, the Bank of Greenfield, in Highland county, Ohio, failed in a large sum; and,

WHEREAS, E. J. Nuckols, township treasurer of Paint township, in Ross county, Ohio, had, as such treasurer, on deposit in said bank, at the time of said failure, the funds of said township, to the amount of six hundred dollars, the said bank being the usual place of deposit of the extra funds of said township; and,

WHEREAS, A large number of the citizens of said township, by their

petition, represent to this general assembly that said loss of said funds was without fault of E. J. Nuckols, and ask that said E. J. Nuckols and his bondsmen be relieved of their liability to make good said sum to said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said township, are hereby authorized to release the said E. J. Nuckols and his said bondsmen from the payment of said sum of six hundred dollars, upon his assigning all claims of every kind he may hold against said bank for said money, and to enter said release upon the minutes of said trustees: provided, that before said release shall be made, the question shall be submitted to the qualified voters at the next election held in said township after the passage of this act; and, provided further, that a majority of the voters voting at said election shall vote in favor thereof.

SEC. 2. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed February 8, 1877.

#### AN ACT

To authorize the commissioners of Noble county to transfer money from the bounty and relief funds of said county, to other funds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the county of Noble, be and they are hereby authorized and empowered to transfer from the bounty fund, the sum of nine hundred and sixty-nine dollars and forty-four cents; also, the sum of one hundred and sixty-two dollars of the relief fund, being all the money now standing to the credit of said bounty and relief funds, to the other funds of said county, as they shall deem best for the interests of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed February 8, 1877.

#### AN ACT

To authorize the trustees of the township of New London, in the county of Huron, and state of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of New London, in the county of Huron, and state of Ohio, be and they are hereby authorized and empowered to

issue negotiable bonds, not to exceed in amount ten thousand dollars, bearing a rate of interest not to exceed the rate of seven and three-tenths per cent. per annum, to be of such denomination as the trustees may determine, not less than one hundred dollars. Said bonds shall be signed by the trustees of said township, and shall be countersigned by the clerk of said township, and shall be payable at any time or times said trustees shall determine, not to exceed five years from the date of their issue, and shall be used only in payment of the debt owing by said township to Albert White on his "town hall contract," and shall be issued only for the amount found due said White thereon, after a full settlement of the same, and shall not be sold or delivered to said Albert White, or any other person, for less than their par value, the interest to be paid annually, and said bonds and interest at such place as said trustees shall determine; that said bonds shall be used by said trustees only in payment of said township debt to said Albert White.

SEC. 2. Said trustees shall have power, and it is hereby made their duty, after the issuing of said bonds, to levy on the taxable property of said township, during the running of said bonds, a sufficient amount to pay the interest annually and the principal of said bonds as they shall become due, and shall certify to the auditor of said county the per cent-  
age by them levied, necessary for the payment thereof, and the auditor shall place the same on the duplicate of taxes and collect the same as other taxes, and the money arising from such tax shall be applied to the payment of the interest and principal of said bonds, and for no other purpose whatever.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed February 8, 1877.

#### AN ACT

To divide Aurelias township, Washington county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the township of Aurelias, Washington county, be and the same is hereby divided into two election precincts, for all state, county, and township purposes, one of which precincts shall be called the "Macksburg precinct," and shall consist of the following described territory, to wit: All of sections seven (7) and eighteen (18), and the west half of section seventeen (17), of said township.

SEC. 2. All that portion of Aurelias township, not included in section one of this act, shall constitute the other election precinct, and shall be called the "Aurelias precinct."

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 15, 1877.

## AN ACT

To divide the township of Richland, Allen county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Richland, Allen county, in this state, be and the same is divided into two election precincts, as follows:

The first shall be called "Bluffton precinct," and shall include the territory following: Sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, known as "mile strips;" also, sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-three, twenty-four, and twenty-five, in said township; the second shall consist of the balance of the territory of said Richland township, and be known as "Beaver Dam precinct."

SEC. 2. That all elections shall be held in the first described precinct, in the incorporated village of Bluffton; and all elections shall be held in the second precinct, at Beaver Dam, in said township of Richland.

SEC. 3. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Passed February 21, 1877.

## AN ACT

To authorize the trustees of Geneva township, Ashtabula county, to levy a tax, and issue bonds, for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the trustees of Geneva township, Ashtabula county, to receive bequests, donations, and gifts, for the purpose of erecting a monument in memory of her soldiers and sailors, who died or were killed during the war of eighteen hundred and sixty-one, or who have died since the termination of said war, or may hereafter die.

SEC. 2. That, in case there shall not be a sufficient amount raised by donations, bequests, or gifts, for the purpose aforesaid, the trustees of said township are hereby authorized to submit to the qualified electors of their township, at the spring or fall election of eighteen hundred and seventy-seven, giving ten days' notice thereof by publication in any paper of general circulation in said township, or at a special election for that purpose, at any time, by giving thirty days' notice thereof, published in the paper as designated above, the question whether a tax, not exceeding four mills on the dollar—present valuation—shall be levied by the township trustees, and collected as other township taxation, for the purpose specified in section one of this act: provided further, that said notices of election shall specify the exact amount that is proposed to be raised by said levy; and, if it shall appear that a majority of all the votes cast were in favor of said levy, then the trustees shall proceed, without delay, to make said levy and erect said monument.

SEC. 3. That, when a vote shall be taken as prescribed by section two of this act, each and every elector so voting shall have written or printed on his ballot, before depositing the same in the ballot-box, the words, "Monument tax, yes," or, "Monument tax, no," and if a majority vote "yes," then it shall be the duty of the township trustees, within thirty

days thereafter, to appoint three resident electors of said township, whose duty it shall be to act in conjunction with them in selecting the site, model, and erecting said monument, and who shall have an equal voice with said trustees in all matters pertaining to said monument, except in the disbursement of funds, and who shall serve without compensation for services rendered.

SEC. 4. If, in the opinion of trustees of said township, it is deemed expedient to make three separate levies and issue township bonds not to exceed in total the amount designated in section two of this act, to be payable, one-third in one year, one-third in two years, and one-third in three years, bearing interest at a rate not to exceed eight per cent., payable annually, they are hereby authorized to issue said bonds, which shall not be sold for less than their par value, and proceed at once to the erection of said monument.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Passed February 21, 1877.

#### AN ACT

To authorize the transfer of certain funds of the village of Oberlin.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the town council of the incorporated village of Oberlin, Lorain county, Ohio, be and they are hereby authorized to permanently transfer nine hundred dollars now in said village treasury, belonging to the sewer fund, to the general corporation fund.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 22, 1877.

#### AN ACT

To authorize the trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Bethel township, Monroe county, Ohio, are hereby authorized to levy, in the year 1877, a tax upon the taxable property within said township, for the purpose of raising a fund to pay a bounty to a volunteer who enlisted in the service of the United States, to whom the trustees of said township agreed to pay a bounty of one hundred dollars, to be levied under the provisions of an act passed in 1864, but who has never received the same.

SEC. 2. No greater amount of tax shall be levied under the authority of this act upon the property of said township, by the trustees thereof, than shall be necessary to cause a fund equal to one hundred dollars for

such volunteer, and interest thereon at the rate of six per cent. per annum from the time the trustees of said township agreed to pay said bounty.

SEC. 3. All taxes levied under this act shall be certified to the county auditor, and placed upon the tax duplicate as other taxes, and styled a special bounty fund, to be collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

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#### AN ACT

To authorize the county commissioners of Lake county to remunerate William P. Rice for loss sustained by breaking through a bridge.

WHEREAS, William P. Rice, a citizen of Lake county, by breaking through a county bridge received severe bodily injuries and suffered serious pecuniary loss; therefore.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lake county are hereby authorized and empowered to remunerate William P. Rice for loss of property sustained by breaking through a county bridge, to such an extent as to them, after due investigation, may seem just and proper; and that the amount of damages so awarded shall be paid to the said William P. Rice out of the county treasury, upon the warrant of the auditor of said county.

SEC. 2. This act shall take effect on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

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#### AN ACT

To amend an act for the relief of Charles W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876. [O. L., vol. 73, page 260]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be and the same is hereby amended so as to read as follows:

Section 1. That the common council of the incorporated village of Somerset, Perry county, Ohio, are hereby authorized to submit, at any regular or special election, and if at a special election, after thirty days' notice thereof, given by notices posted in at least six conspicuous places in said village, to the qualified electors of said village, the question of reimbursing said sureties; and upon an affirmative vote of a majority of those voting at said election on said question, said common council shall



levy a tax upon the taxable property of said incorporated village, and reimburse said sureties for the actual amount so stolen.

SEC. 2. That said original section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

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#### AN ACT

Relative to the payment of certain bonds of the city of Xenia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the bonds issued for the purposes contemplated in the act entitled "An act to authorize the city council of Xenia, in the county of Greene, to issue bonds to aid in rebuilding the bridges of said city, that were injured or destroyed by the recent freshet in January, 1870," yet unredeemed, and the interest thereon, shall continue to be paid out of the tax designated by said act, which said tax, including that levied in 1876, or so much thereof as shall be necessary, shall continue to be set apart each year for, and applied to such payment until said bonds are all redeemed not beyond the year 1885.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

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#### AN ACT

To authorize the town council of the incorporated village of Mt. Gilead to levy additional taxes to complete a town hall.

WHEREAS, The council of said village, in pursuance of an act entitled "An act to authorize the town council of the incorporated village of Mt. Gilead to purchase a site and erect a town hall," passed April 11, 1876, proceeded to purchase said site and erect said hall, and the same is now nearly completed; and,

WHEREAS, It is found that the funds authorized by said act are insufficient to complete and furnish said hall according to existing plans and designs; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the incorporated village of Mt. Gilead, Morrow county, be and the same is hereby authorized and empowered to complete and furnish said hall according to existing plans and designs: provided, the same does not cost over two thousand dollars; and the said council is authorized to issue bonds for said sum, in such amounts, and payable at such times as it shall deem proper; and said bonds shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually:*

provided, however, that said bonds shall not be sold for less than their par value; and said council is authorized to levy, annually, upon all the taxable property of said village, and certify the same to the county auditor, to be by him placed upon the tax duplicate of said village, an amount sufficient to pay the principal and interest of said bonds as the same shall fall due.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

#### AN ACT

To enable the trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the center of Litchfield, in Medina county, Ohio," passed and took effect March 30, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Litchfield township, Medina county, Ohio, are hereby authorized and empowered to appropriate from any funds in the treasury of said township applicable for township purposes, a sum not exceeding three hundred dollars, for the purpose of fencing and otherwise improving the park at the center of said township, said money to be expended under the direction of said trustees.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 23, 1877.

#### AN ACT

To aid the Board of Public Works to build a bridge on the Western Reserve and Maumee Road, over the Sandusky River.

WHEREAS, The bridge over the Sandusky river, on the line of the Western Reserve and Maumee road, one of the public works of the state, a wood structure built by the state over thirty-five years ago, is now unsafe and so far decayed that the board of public works say it will be an injudicious expenditure of money to repair the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of nine thousand dollars be and hereby is appropriated out of any moneys paid into the state treasury by the lessees of the public works of the state, or may hereafter be paid in by said lessees, and also the sum of nine hundred dollars that the lessees have paid into the state treasury for the repair of said bridge.

SEC. 2. That the sums thus appropriated shall be expended by said board of public works in erecting such iron bridge, of such plan and dimensions as they may deem best for the interest of the state; and the

fund hereby appropriated by the state shall be drawn from the treasury, from time to time, according to law.

SEC. 3. That there shall not be any money drawn out of the state treasury for the building of said bridge until the county commissioners of Sandusky county shall enter into a bond to complete said bridge after the sums above mentioned shall have been expended by the board of public works. Said bond shall be made payable to the state of Ohio, and deposited in the office of the secretary of state.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 27, 1877.

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#### AN ACT

For the relief of John Mizer and his sureties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Tuscarawas county be and they are hereby authorized to refund to John Mizer and his sureties, out of the county fund not otherwise appropriated, the sum of eight hundred dollars, being the amount of a forfeited bond paid by them into the treasury of said county, in the year 1874.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 27, 1877.

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#### AN ACT

To authorize the county commissioners of Holmes county to build a jail and sheriff's residence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the county commissioners of Holmes county, are hereby authorized to build a jail and sheriff's residence, at a cost not to exceed twenty-five thousand dollars, and to levy a tax for that purpose.

SEC. 2. The said commissioners shall have no power to make any extra allowance to any contractors for the building of said jail and sheriff's residence.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 27, 1877.

## AN ACT

To authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars, for the purpose of grading Detroit street, and building a culvert under the Lake Shore and Michigan Southern Railroad at the intersection of Lake avenue.

WHEREAS, The village of West Cleveland had already expended nineteen thousand dollars on grading and improving Lake avenue and Detroit street, before the Burns law came into force; and,

WHEREAS, Said corporation was about contracting for the finishing of said grading and building a culvert under a railroad when said law took effect; and,

WHEREAS, No relief by the general assembly would cause great hardships to said corporation; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* for the purpose of grading Detroit street in the village of West Cleveland, and for building a culvert under the Lake Shore and Michigan Southern Railroad at its intersection with Lake avenue, the council of the village of West Cleveland be and they are hereby authorized to issue and sell the bonds of said village, not exceeding fourteen thousand dollars in amount, and of such denominations as said council may determine, not less than one hundred dollars, nor more than one thousand dollars each, signed by the mayor and clerk of said village, payable at such times as the council may determine, not exceeding ten years after date, bearing a rate of interest not exceeding eight per cent. per annum, payable annually: provided, that said bonds shall not be sold at less than their par value.

SEC. 2. For the purpose of paying said bonds so authorized to be issued by this act, said council of said village are hereby authorized and empowered to levy a tax upon all the real estate of said village fronting on said Detroit street and Lakeview avenue, and such other streets in said village according to benefits derived or to be derived by the improvements provided for in this act, as may by the council be determined, in addition to the amount already allowed by law, every year during the period said bonds have to run, sufficient in amount each year to redeem that portion of the bonds issued in pursuance of this act, that will fall due during said year, and all the accruing interest on said bonds, and the money so raised shall not be used for any other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed February 28, 1877.

## AN ACT

To refund interest paid by James Eakin, ex-commissioner of Noble county, Ohio, on moneys borrowed for use of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of county commissioners of Noble county, Ohio, be and they are hereby authorized to direct the auditor of said county to draw his warrant on the treasurer of said county in favor of James Eakin, for the sum of one hundred and eight dollars, to refund to the said James Eakin the amount of interest by him paid to Henry Miller, on money borrowed

of said Miller for the use of said county, by the board of county commissioners, of which said James Eakin was a member in 1871, at the time of borrowing said money, and the payment of said interest, and the county treasurer shall pay the same out of any money in his hands.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 1, 1877.

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#### AN ACT

To authorize the trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Perry township, Lake county, are hereby authorized to transfer the surplus town hall fund, amounting to the sum of seven hundred dollars, to other funds, as follows, viz: one-half to the township fund and one-half to the road fund.

SEC. 2. This act shall take effect on its passage

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 1, 1877.

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#### AN ACT

To authorize the village of Loveland, Ohio, to issue bonds for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Loveland, Ohio, is hereby authorized and empowered, for the purpose of paying and discharging any debts or liabilities heretofore incurred in the purchase of land for, and in constructing and furnishing a town hall, and erecting other permanent improvements for the use of the corporation, to issue the bonds of the village in any sum not exceeding two thousand dollars for a length of time of not more than five years, at a rate of interest not exceeding eight per centum per annum, payable semi-annually. Said bonds shall be signed by the mayor and clerk of the village, and sold for not less than par value, and the proceeds of sale applied exclusively to the above named purposes; and said council are hereby authorized to levy a tax upon all the taxable property of said village, sufficient to pay said bonds and interest, as the same may fall due.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Passed March 1, 1877.

## AN ACT

To authorize the creation of a special school district in Brush Creek township, Scioto county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory now embraced in sub-school district number five, of the township of Brush Creek, and county of Scioto, and described as follows, to wit: Beginning at the county line west of John Newman's house, in said township; thence northeast so as to include the lands of David Boyd, to William Foster's, on Rarden's creek, including the lands of said Foster; thence east to Jesse's run, including the lands of Wheeler and Thomas Burkitts, James Freeman, Amos Jenkin, Dr. Penn, and S. S. Jones; thence south-east to Brush creek; so as to include the lands of Smith and Pemberton, and Sarah A. Murphy; thence south so as to include the lands of John Thompson, James Williams and John Williams; thence west so as to include the lands of Mrs. L. N. Moore, James Newman, and John Newman, to the beginning, be and the same is hereby created and declared to constitute a special school district by the name of Galena special school district: provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district, at an election to be held in the manner following:

SEC. 2. Written notice shall be posted in three of the most public places in said territory, signed by at least six resident electors of said territory, requesting the qualified electors thereof to assemble on a day, at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least four hours, and shall not close before four o'clock P.M. The electors in favor of said special school district, shall write or print upon their ballots, "Special school district," and those opposed thereto, "No special school district," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots cast at said election be found in favor of the special school, as aforesaid, the electors shall at once proceed to elect three members of the board of education, one for one year, one for two years, and one for three years from the third Monday in April thereafter, who shall hold their office for the terms therein specified, and until their successors are elected and qualified; and one year from the third Monday in April next after said election, the qualified voters of said special school district shall meet and elect one member of said board of education, to serve for the term of three years, and until his successor is elected and qualified. Said elections shall be counted under the laws then in force governing sub-school district elections. The said special school district shall be entitled to all the school property within said territory, and the title thereto is hereby vested in the board of education of said Galena special school district.

SEC. 4. The said special school district shall be entitled and shall receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1876, of children who are entitled to attend school; said funds being those now collected, or already levied and not collected, either in the county or township treasury; and the board of education of

said Galena special school district shall have power to levy an additional tax upon the taxable property of said district, sufficient to insure them school for six months in each year. Said additional levy shall not exceed three mills to the dollar in addition to the levy now provided by law in any one year.

SEC. 5. The board of education in said special school district may, when in their judgment it is necessary, levy a sufficient tax upon the taxable property of said district, to build an addition to their school-house, not to exceed the cost of five hundred dollars.

SEC. 6. Said district shall be governed in all respects by such laws as are now, or may hereafter be in force relating to special school districts, with the exceptions herein above provided.

SEC. 7. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed March 1, 1877.

#### AN ACT

For the relief of Levi Pricer.

WHEREAS, On the 23d day of March, 1876, Levi Pricer, a duly elected and qualified treasurer of Bucks-kin township, Ross county, Ohio, had on deposit in the Bank of Greenfield (in the town of Greenfield, Highland county, Ohio), the sum of \$2,888.93, belonging to said township; and,

WHEREAS, The said Bank of Greenfield did, on the twenty-third day of March, 1876, fail, and is not able to pay but a small per centage on each dollar of their indebtedness, and said Levi Pricer is not able, without serious embarrassment, to pay said loss; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Bucks-kin township, Ross county, Ohio, be and are hereby authorized to release Levi Pricer, and his sureties on his official bond, from payment of the sum of \$2,888.93; provided, that before said release shall be made, said Levi Pricer shall assign and transfer to said township trustees, his claim against the Bank of Greenfield, for and on account of said money so by him deposited; and, also provided, that before said release shall be made, the question shall be submitted to the qualified electors of the said township, at some general township or special election, notice of which shall be given, at least twenty days prior thereto, by putting up posters in three public places in said township, and a majority of electors voting thereon at said election, shall vote in favor thereof.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 12, 1877.

## AN ACT

To authorize the school board of New Philadelphia, Ohio, to issue bonds and build a new school-house.

WHEREAS, The large Union school building in New Philadelphia, Tuscarawas county, Ohio, was burned to the ground on the morning of February 27, 1877, and in consequence thereof have no place in which to hold their public schools; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of New Philadelphia, Tuscarawas county, Ohio, be and they are hereby authorized to build a school-house in said incorporated village.

SEC. 2. To meet the expense of the building mentioned in the foregoing section, the said board of education are hereby authorized and empowered to issue bonds, not to exceed in amount thirty-five thousand dollars, to be signed by the president, and countersigned by the clerk of said board, in sums not less than one hundred dollars each, bearing interest not to exceed eight per cent. per annum, payable annually, and the principal to be paid at a date no longer than ten years; said bonds to be sold at not less than par value, and no commission to be charged for the sale thereof.

SEC. 3. The said board of education are hereby authorized and empowered to levy a tax annually on all taxable property of said incorporated village of New Philadelphia, and on all taxable property within the territory attached for school purposes, sufficient to pay said bonds together with the interest thereon as they shall fall due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 15, 1877.

## AN ACT

To provide for the payment of the contractors for construction of the stone masonry, cut stone, and brick work of the Columbus hospital for the insane.

WHEREAS, The trustees of the Columbus hospital for the insane, by special report to the general assembly, made on the 19th day of January, 1877, have reported that there is now due to the contractors for stone masonry, cut stone, and brick work on said hospital, under their contract, the sum of forty-three thousand four hundred and thirty-six dollars and forty-eight cents; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any money in the treasury, to the credit of the asylum fund and not otherwise appropriated, the sum of forty-three thousand four hundred and thirty-six dollars and forty-eight cents, for the payment of the amount due and owing to contractors under contracts for stone masonry, cut stone, and brick work on the Columbus hospital for the insane, which amount includes any and all claims grow-



ing out of a joint resolution passed April 20, A.D. 1874; and the amounts due the several contractors are to be estimated and paid to them by the trustees of the Columbus hospital for the insane.

SEC. 2. This act to take effect on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 15, 1877.

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#### AN ACT

Authorizing the county commissioners of Ross county to build a county jail, and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Ross be and they are hereby authorized to build a county jail and jailor's residence, upon the same lot of ground now occupied for that purpose, and for that purpose they are hereby authorized to issue the bonds of said county, not exceeding in amount the sum of eighteen thousand dollars.

SEC. 2. Said bonds may be in denominations of not less than one hundred, nor more than one thousand dollars, bearing interest at not exceeding seven per cent. per annum, payable semi-annually, and payable at such times as said commissioners shall deem for the best interest of said county, but in no case more than five years from the date thereof, and shall not be sold for less than their par value.

SEC. 3. For the purpose of paying the interest on said bonds, and the principal of the same, as they shall become due, there shall be annually levied a sufficient tax upon all the taxable property in said county, in addition to the taxes now by law to be levied therein.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

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#### AN ACT

To authorize the city council of the city of Columbus to levy a tax and build a police station.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Columbus be and hereby is authorized to build a police station-house, on any lands now owned by said city, or if said council deem it advisable, it may purchase other lands on which to build said station-house. And said council, for the purpose of said building, shall have authority to levy a tax on all property in said city on the duplicate for taxation for the year 1877, two mills on the dollar, in addition to the amount of taxation now authorized by law. Whenever the city council shall certify to the auditor of Franklin county its determina-

tion to make the levy and build said station-house, it shall be the duty of said auditor to enter the same upon the tax duplicate as other taxes are entered, and the same shall be collected and paid out, in the same manner as other taxes are collected and paid out.

SEC. 2. This act shall take effect on its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

WHEREAS, The question of building a town hall and engine house was submitted to a vote of the qualified electors of the village of Wilmington, Clinton county, Ohio, at the April election in the year 1876, held therein pursuant to law and carried affirmatively by a vote of yeas, 383, to nays, 146; and,

WHEREAS, The council of said village, prior thereto, had purchased a lot for the purpose of building a town hall and engine house thereon; and,

WHEREAS, A part of the money for such buildings has already been raised by levy of a tax for such purpose; and,

WHEREAS, By operation of existing law, the council of said village is restricted from letting the contract for the building thereof until the money therefor is in the treasury of said village; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Wilmington, Ohio, be and it is hereby authorized to contract for the building of a town hall and engine house, and to raise money for the building thereof, as herein provided.

SEC. 2. That said council is hereby authorized to issue bonds, not exceeding in amount the sum of fifteen thousand dollars, which may be used in payment of the contractor, or contractors, for the building thereof, or may be sold by said council as herein provided, or either as to said council may seem most advantageous to the interest of said village, for the purpose of raising money to build a town hall and engine house, said bonds to be signed by the mayor and the clerk of said village, and to be registered by said clerk, and to be issued in sums of not less than fifty nor more than five hundred dollars each, and bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest to be paid at such time not exceeding ten years from the time of the issuing the same, and in such amounts each year as the village council may direct: provided, said bonds shall not be sold for less than par value.

SEC. 3. That for the purpose of paying said bonds and interest thereon, as the same shall become due, the said village council is hereby authorized and empowered to levy a tax on all the taxable property of said village in such amounts, annually, commencing in the year 1877, as will be sufficient to pay the principal and interest of said bonds, as they may be-

come due each year: provided, the amount of the tax levied for such purpose in any one year shall not exceed two and one-half mills on the dollar valuation of the taxable property; and provided, further, that the money so raised shall be used for no other purpose.

SEC. 4. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 17, 1877.

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#### AN ACT

Authorizing the council of the incorporated village of Nelsonville, Athens county, to transfer certain funds.

WHEREAS, By reason of unusual demands made upon the road and street fund of the incorporated village of Nelsonville to repair the damage of the great floods of 1875, a deficit of said fund exists amounting to two thousand five hundred dollars; and,

WHEREAS, A surplus exists to the credit of the general corporation fund of said village not required for any of the ordinary uses of said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the said incorporated village of Nelsonville be and it is hereby authorized and empowered to transfer twenty-five hundred dollars from the general corporation fund of said village to the road and street fund of said village: provided, that the question of said transfer shall be first submitted to a vote of the qualified electors of Nelsonville at the first regular election after the passage of this bill; and that a majority of said electors vote aye, on the question, "For transfer from general revenue fund to street fund; against transfer from general revenue fund."

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 17, 1877.

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#### AN ACT

To authorize the auditor of Licking county, Ohio, to remit certain taxes on lot No. 166 in the village of Hebron, in said county.

WHEREAS, It is made to appear that, in 1860, lot No. 166, in the village of Hebron, Licking county, Ohio, contained thereon a flouring-mill, and was appraised at two thousand nine hundred and forty-eight dollars, and taxed at said appraisement thereafter till 1870; and,

WHEREAS, In the year 1867 said flouring-mill and improvements were removed from said lot, thereby greatly reducing the value of said lot, until 1870, when said lot was again appraised, and taxed at a value of fifty dollars; and,

WHEREAS, Said tax, levied upon said lot between 1867 and 1870, is ex-

orbitant and greatly disproportionate to its value, which tax now remains unpaid, to the amount of two hundred and seventy-five dollars and eighteen cents; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio, That the auditor of said county of Licking be and he is hereby authorized to remit so much of said tax on lot No. 166, in the village of Hebron, as now stands charged upon the tax duplicate against said lot, which is in excess of the true tax upon the valuation of said lot in 1870.*

**SEC. 2.** This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To authorize the sale of certain lands therein described.

**WHEREAS,** In the construction of the Mercer county reservoir, section sixteen of the original surveyed township six south, range three east (granted by congress for the use of schools in said township), was supposed to have been submerged; and,

**WHEREAS,** The general assembly, by the act of February 28, 1846, authorized an exchange of state lands for said section sixteen, and the trustees of Franklin township, under the provisions of said act, selected three-fourths of one section, and the trustees of Jefferson township selected one-fourth of one section, said selections being in full consideration of the said original section sixteen, belonging to said town six, range three; and,

**WHEREAS,** By the provisions of an act passed April 29, 1872, said lands were surveyed and located (by order of the board of public works), and returned to the auditor of state, and by said survey it is ascertained that about forty-four and forty-two one-hundredth acres of said original section sixteen, town six, range three, is located above and outside of the high-water line; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio, That the auditor of state be and he is hereby authorized and empowered to advertise and sell the above described land, and that he be governed in his action thereon by the act of April 29, 1872, and the amendatory acts thereto.*

**SEC. 2.** This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

## AN ACT

To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the following described territory, to wit:*

The east half of the north-east quarter, and the east half of the south-east quarter of section thirty-two; all of section thirty-three; the west half of section thirty-four, town six, south of range six east; the north-west quarter of section three, north half of section four; the east half of the north-east quarter and the east half of the south-east quarter, town seven, south of range six east, Shelby county, Ohio, be and the same is hereby created and declared to constitute a special school district, to be known as the Botkins special school district: provided, however, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election to be held in the following manner:

SEC. 2. Written notices shall be posted in at least six of the most public places in said territory, signed by at least six resident electors of the same, requesting the qualified electors thereof to assemble on a day at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least four hours, and shall not close before six o'clock P.M. The electors in favor of the proposed special school district, shall have written upon their ballots, "Special school district, yes;" those opposed thereto, "Special school district, no;" and a majority of the ballots so cast shall determine the question whether or not said proposed special school district shall be created.

SEC. 3. Should a majority of all the ballots cast in said election be found in favor of the special school district as aforesaid, the electors thereof shall at once proceed to elect three members to constitute a board of education, one for one year, one for two years, and one for three years from the second Monday of April 1877, who shall hold their offices for the terms herein specified, and until their successors are elected and qualified. Said special school district shall be entitled to all the school property belonging thereto, including taxes collected and uncollected, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 4. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

## AN ACT

To authorize the board of county commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the board of county commissioners of Delaware county be and are hereby*

authorized to construct and erect a jail at such place, at the county seat of said county, as in their judgment may be deemed best for the public good, at a cost not to exceed thirty thousand dollars; and for that purpose the said board of county commissioners of Delaware county be and they are hereby authorized to levy a tax upon all the taxable property of said county listed on the duplicate for taxation for the years 1877, 1878, 1879, and 1880, the amount of which proposed tax shall be fixed by said board of county commissioners, which in no event, shall exceed thirty thousand dollars, or one-fifth of one mill on the dollar on the taxable property of said county, in any one year.

SEC. 2. And the board of county commissioners may anticipate the collection of said tax by borrowing any sum not exceeding the amount so levied or to be levied, at a rate of interest not to exceed seven per cent. interest per annum, interest payable semi-annually, and issue notes or bonds therefor, payable upon the collection of such tax; and the notes or bonds issued under this act shall in no case be sold for a less sum than their par value.

SEC. 3. This act shall take effect and be in force on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 17, 1877.

#### AN ACT

To create two election precincts in Milton township, Jackson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* all that portion of Milton township, in the county of Jackson, included in the following sections, as hereinafter bounded and described: Commencing at the north-west corner of said township; running thence south to the south-west corner of section seven; thence east to the south-west corner of section nine; thence north to the north-east corner of section four; thence east to the south-east corner of section thirty-three; thence north to the north-west corner of section thirty-three; thence west with the township line of said township to the place of beginning, including all the territory in sections thirty-one, thirty-two, thirty-three, four, five, six, seven, eight, and nine, shall constitute an election precinct, and be known as the Wellston precinct; and all that part of Milton township not contained in the above described territory shall constitute another precinct, to be known as Milton township precinct.

SEC. 2. That all elections shall be held in the first described precinct in the incorporated village of Wellston, and all elections shall be held in the second described precinct in the town house of said township, as heretofore.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 19, 1877.

## AN ACT

To change the time for holding the second and third terms of the court of common pleas in the counties of Miami and Champaign, for the year 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the times for holding the second and third terms of the court of common pleas in the county of Champaign, as fixed by the judges of the second judicial district, be and the same are hereby changed, and that said terms be held on the fourteenth day of May, and the fifteenth day of October, A.D. 1877, respectively, instead of on the eleventh day of June, and the twenty-sixth day of November in said year, as fixed by said judges.*

SEC. 2. *That the times for holding the second and third terms of the court of common pleas in the county of Miami, as fixed by the judges of the second judicial district, be and the same are hereby changed, and that said terms be held on the eleventh day of June, and the twenty-sixth day of November, A.D. 1877, respectively, instead of on the fourteenth day of May, and the fifteenth day of October, in said year, as fixed by said judges.*

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 19, 1877.

## AN ACT

To provide for the straightening, clearing out, widening, deepening and otherwise improving water courses in the counties of Henry and Wood, in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the county commissioners of the counties of Wood and Henry, shall have power, as hereinafter provided, if in their opinion the same is demanded by, or will be conducive to the public health, convenience and welfare, or is necessary for the drainage of any roads, railroads or lands in said counties, to cause to be cleaned out, widened, deepened, straightened or otherwise improved, the following water course or water courses, to wit: commencing at or near the center of section thirty-three (33), in township three (3) north, range eight (8) east, in Henry county, Ohio, in the bed or channel of a natural water course, called Brush creek; thence down said Brush creek, following the general course thereof, to the county line between the counties of Henry and Wood; thence north along said county line to a creek called Beaver creek; thence down said Beaver creek to the Maumee river, and there terminate.*

SEC. 2. That whenever one or more persons owning lands adjacent to the water course or water courses described in section one of this act, shall file a petition with the county auditor of either of the counties of Wood or Henry, addressed to the commissioners of said counties, setting forth the necessity for such clearing out, widening, deepening, straightening and otherwise improving the water course or water courses described in this act, and shall at the same time file a bond with said petition, the amount and sureties to be approved by the county auditor, with whom said petition and bond shall be filed, and conditioned to pay

all the costs and expenses incurred in case the commissioners shall refuse to grant the prayer of the petition, or shall fail to establish said improvement, it shall be the duty of the county auditor with whom such petition and bond is filed, to immediately notify the commissioners of each of said counties of the filing of such petition and bond, and it shall be the duty of such commissioners to meet in joint session as soon thereafter as practicable, at such time and place as they shall agree upon. In all joint sessions of said boards of commissioners, two members from each county shall be necessary for a quorum and for the transaction of business, and the auditor of the county in which such meeting shall be held, shall act as clerk of the board, and shall make out and forward to the auditor of the other county, a duplicate of the record of the proceedings of said joint session of the commissioners of said counties, and when so met in joint session, they shall appoint an engineer to survey and level the route of said proposed improvement, and said engineer shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey and level of the route of said proposed improvement, and shall return to each of the county auditors a plat and profile of said proposed improvement, together with a complete report of his survey and levels, which shall set forth a definite description of the proposed improvement, its availability and necessity, with a description of the lots, lands, roads and railroads, that will be benefited by said improvement, how they will be affected thereby, and the estimated expense of said improvement, for each half mile of the same, the depth of excavation and dimensions of said ditch; drain or water course, at least every hundred feet, and fix a grade line. The profile of the engineer shall show the number of each station and length thereof, numbered progressively down stream; and the number of cubic yards of earth to be removed from each station. The plat of the engineer shall show the route of the ditch and the lots, lands, roads and railroads that will be benefited by the construction of said ditch, drain or water course. The report of the engineer shall specify the manner in which the work should be done, the necessary flood gates, water ways, bridges and farm crossings, together with such other facts and suggestions as they may deem material. Immediately after the filing of the reports of the engineer, the commissioners of the two counties shall agree upon a time and place for hearing said report, and it shall be the duty of the county auditor of each county respectively, to cause notice to be given of the filing of said petition and report, and the pendency and prayer of said petition, and the time and place set for hearing thereof by said joint board of commissioners, at which time they will establish the same, to be given by publication for two (2) consecutive weeks in some newspaper published and of general circulation in his county; said notice shall be given to land owners in the county in which the land is situated.

SEC. 3. That any person or persons claiming compensation for lands or property appropriated, or who shall sustain any damage by the clearing out, widening, deepening, straightening, or constructing of said ditch, drain or water course, shall make his, her or their application in writing therefor to the said commissioners, describing the property upon which damages or compensation is claimed, and file the same with the county auditor of said county where the land is situated, at least three days before the day set for hearing the petition, and on failing to make such application, shall be deemed and held to have waived his, her or their right to such compensation and damages.



SEC. 4. Upon the hearing of the petition and the report of the engineer, as mentioned in section two (2) of this act, the said joint board of commissioners shall, if they find that the requirements of the second section of this act have been complied with, and if, in their opinion, the public health, convenience and welfare, and the drainage of roads and lands demand it, make an order that said improvement be made, which order shall state the kind of improvement, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall give notice for at least one week of the time and place, when and where he will let contracts for the performance of the same, which notice shall be given by publication in some newspaper in each of said counties, published and of general circulation in said counties respectively, and by posting one notice upon the door of the auditor's office, in each of said counties, and not less than ten (10) such notices in public places in the vicinity of said ditch improvement, and who shall, with the approval of the county commissioners of said counties of Wood and Henry, when in joint session, make a contract or contracts for the completion of the work, and the contractor or contractors may at once enter upon the performance of the same under the superintendence of the engineer so appointed as aforesaid: provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give bond, with such reasonable security for the proper performance of his contract within the time and in the manner described, as the joint board of commissioners of said counties may deem sufficient.

SEC. 5. The commissioners of said counties, when such improvement shall have been ordered by them, shall immediately, upon actual view of the premises along the route of said ditch improvement, apportion the expense of said improvement, including the costs of compensation for lands apportioned and damages sustained, and all other expenses of this location and establishment of said ditch improvement, upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom. When the apportionment shall have been made, the county auditors of said counties of Henry and Wood, shall give notice of the same by publication, in tabular form, in some newspaper published and of general circulation in their respective counties, for two consecutive weeks, and of the time and place when and where the county commissioners of said counties of Henry and Wood will meet to hear exception to the same. On the day named in said notice, the said commissioners shall meet, and if no exceptions have been filed to said apportionment, they shall confirm the same, but if exceptions in writing have been filed by any of the owners of lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses, and upon such hearing they may either confirm said apportionment or change the same, and the final action of the said joint board of commissioners shall be entered upon their records in each of said counties, and shall show how the said expense has been apportioned upon the lands ordered to be assessed as aforesaid. The said joint board of commissioners shall have full authority to determine the manner in which the assessments shall be made, and the amount of the expense of the preliminary survey, costs of location, and establishment and costs of con-

struction which each county shall pay. The county auditor of each of said counties, shall assess in such installments the amount of said apportionment to the said several tracts of land, town lots, highways, roads or railroads within their respective counties, to which the same has been as aforesaid apportioned by said joint board of commissioners, and place the said assessment upon the tax duplicate in each county, and said assessment shall be collected as taxes are now by law collected: provided, that all the costs and expenses of the preliminary survey, proceedings and apportionment of said improvement, shall be paid out of the county treasuries respectively, as are authorized by the joint board of commissioners.

SEC. 6. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of each of said counties are hereby authorized to issue the bonds of their county, in amounts as determined by said joint board, payable in installments, or at intervals, not exceeding in all the period of five years, bearing interest at the rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said assessment shall be divided in such manner as to meet the payments of principal and interest of said bonds, and so be placed upon the said tax duplicate against the lands assessed, and be collected in the same manner as other taxes are, and when collected, the money arising therefrom shall be applied to no other purpose than the payment of said bonds and interest; provided, that no bonds shall be delivered or money paid to any contractor, exempt [except] upon estimate of work done, as the same progresses or is completed, which estimate shall be made by the engineer of said improvement, and approved by one or more of said county commissioners, as said joint board may direct: and provided further, that the moneys paid out of either of said county treasuries by authority of this act, shall be reimbursed to said county treasuries out of the first collections from the first levy of taxes authorized by this act.

SEC. 7. For the purpose of keeping said ditch, drain or water course free from drift wood, brush or other obstructions, the joint board of county commissioners shall be authorized to levy, from time to time, such an amount of tax on the lands so benefited, and heretofore assessed for the said improvement, as in their judgment may be deemed sufficient to keep such water course in good repair, and said amount so levied, shall be applied to the removing of such drift wood or other obstruction, under and by direction of said commissioners, in such manner as they may deem best, and they shall enter an order upon their journal specifying the amount to be levied for such purpose, and the portion or portions of such ditch, drain or water course to be freed, and the same shall be collected and applied according to the previous provisions of this act.

SEC. 8. The compensation of persons employed under this act shall be fixed by the joint board of county commissioners, and shall not exceed three dollars per day: provided, that the surveyor or engineer, and the county auditor shall receive such compensation for their services as is now or may be fixed by law for the compensation of the county surveyor and county auditor respectively, for like services in other cases: and provided further, that the fees of printers for the notices herein provided for, shall be the same as are now or may be hereafter provided by law for printing the delinquent tax list, and no more.

SEC. 9. The said joint board of county commissioners may, when such

improvement is located and established, as provided in this act, and the same crosses any corporate or public road, or any railroad, if they are of the opinion that the same will be benefited and the road-bed or traveled track will be made better by the cleaning out, widening, deepening, straightening and constructing said ditch or ditches, drain or drains, or water course or courses, apportion and set off, to the county, if a county or state road, to the township, if a township road, to the company, if a corporate or railroad, a part of the costs of constructing said improvement, the same as to private individuals, according to the provisions of this act, and compel them to pay said costs of construction in like manner.

SEC. 10. If application for compensation or damages shall have been made agreeably to the third section of this act, the joint board of commissioners shall fix a day on which they will meet and determine, upon actual view of the premises, the amount of compensation or damages to be paid to such applicant, and also a day when they will make their report. After the report of said commissioners shall have been made, the petitioners may discontinue the said proceedings by paying all costs that have accrued up to that time, and notifying each of the county auditors in writing, that they will not further prosecute the same. But no proceeding shall be continued unless the notice thereof shall be signed by a majority of the petitioners for said ditch.

SEC. 11. If any person shall feel aggrieved by the action of said joint board of commissioners, in the assessment of damages or compensation, they may, within fifteen days from the making of said report, appeal from the decision of said joint board of commissioners to the probate court of the county in which said land is situated, by giving an undertaking, with good and sufficient sureties, to be approved by the auditor of said county, conditioned to pay all costs on such appeal; if the appellants shall fail to sustain their appeal against the decision of said joint board of commissioners, and such undertaking having been given, the auditor shall forthwith certify to the probate court a copy of said appeal, together with a description of the property taken or injured, as contained in the report of the said joint board of commissioners, which shall be docketed in said court, styling the appellant plaintiff, and the joint board of commissioners defendant.

SEC. 12. If the appeal be taken on account of damages or compensation allowed by the commissioners, such proceedings shall be had to determine the amount, as are required by the act entitled "an act to provide for compensation and damages to the owners of private property appropriated to the use of corporations," passed April 23, 1872, and the acts amendatory thereof and supplementary thereto, and the compensation or damages found in favor of said claimant shall be certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund.

SEC. 13. If said joint ditch improvement shall at any point intersect or cross, or run within the boundaries of any state, county, township or improved road in either of said counties, or on the line between said counties, or at any place where a public road by said joint board of commissioners is deemed necessary, in every such case the timber of all kinds within the bounds of said road shall be cleared out, and said ditch improvement shall be constructed so that the excavated earth shall be so placed as to make a good road-bed for public travel.

SEC. 14. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 19, 1877.

#### AN ACT

To authorize the common council of the village of Attica, in Seneca county, to transfer money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the common council of the village of Attica, be and they are hereby authorized to transfer two thousand dollars permanently, from the contingent fund of said village, to the school-house building fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 19, 1877.

#### AN ACT

To authorize the city council of the city of Akron to levy a tax for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Akron, be and they are hereby empowered and authorized to levy a tax of thirty-five hundred dollars on the taxable property within the limits of said city, to aid in the completion of the soldiers' memorial chapel and the receiving vault connected therewith, in Akron rural cemetery, and to provide funds to pay indebtedness for that purpose already incurred, and that said city council shall certify the amount so levied, not exceeding thirty-five hundred dollars, to the county auditor, who shall place the same on the tax duplicate for said county, to be collected as other taxes, and paid to the proper officer to be expended for the purposes for which it was levied, and no other.

SEC. 2. To enable said city council to have the immediate use of said funds, they are hereby authorized and empowered to anticipate the collection of the same by issuing their bonds to the amount of thirty-five hundred dollars, in denominations of not less than one hundred dollars each, payable at any time, not more than two years from their date; said bonds not to bear a rate of interest exceeding eight per centum per annum, and not to be sold for less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 19, 1877.

## AN ACT

To authorize the trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land, and to erect and repair suitable buildings thereon, for infirmity purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of buying land, and to erect and repair suitable buildings thereon, for the support and accommodation of the poor of the township of Rockport, in the county of Cuyahoga, the trustees of said township be and are hereby authorized to issue and sell the bonds of said township, not exceeding six thousand dollars in amount, and of such denomination as said trustees may determine, not less than one hundred dollars, nor more than one thousand dollars, each, signed by the trustees of said township, payable at such time as the council may determine, not exceeding ten years after date, bearing a rate of interest not exceeding eight per cent. per annum, payable annually: Provided, that said bonds shall not be sold for less than their par value. And be it further provided, that the authority for the issuing of said bonds, shall be submitted at some regular election to the voters of said township, and if a majority of the votes cast at said election shall be in favor of issuing bonds for such purpose, then said trustees shall be authorized to issue the same, and not otherwise.

SEC. 2. For the purpose of paying said bonds so authorized to be issued by this act, said trustees of said township are hereby authorized and empowered to levy a tax, upon all the taxable property of said township, in addition to the amount already allowed by law, every year, during the period said bonds have to run, sufficient in amount, each year, to redeem that portion of the bonds issued in pursuance of this act, that will fall due during said year, and all the accruing interest on said bonds, and the money so raised shall not be used for any other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

## AN ACT

To create a sub-school district in Seneca county, Ohio, to be called the Rockaway sub-school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the north half of sections five and six, and the north-west quarter of section four, in Bloom township; the east half of the north-east quarter of section one, in Eden township; the south-east quarter of section thirty-six, in Clinton township; the south half of sections thirty-one, thirty-two, and the south-west quarter of section thirty-three, in Scipio township, be and are hereby created and declared to be and constitute a sub-school district.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

## AN ACT

For the relief of the official sureties of Jacob B. Koch and John R. Helman, late treasurers of Wayne county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Wayne county be and they are hereby authorized and directed to release and cancel a judgment on account of suretyship against Archibald Dawson, Daniel Rieder, James C. Brown, Emanuel Nichott, Hiram Fisher, Fleming A. Reed, Charles H. Brown, Samuel Brown, James Kirkendall, and Hiram Kirkendall, administrators of the estate of Wilson Kirkendall, deceased, in favor of the state of Ohio, at the suit of said commissioners, for the sum of \$26,210.23, rendered in the court of common pleas of said Wayne county, at the March term thereof, A.D. 1876, and to free and discharge said sureties from all liability on said judgment, including costs of the same: Provided, that nothing herein shall be construed as releasing or as authorizing the release of said Jacob B. Koch, principal, from the payment of said judgment.

SEC. 2. That the commissioners of Wayne county, the board of education of the city of Wooster, the city council of the city of Wooster, be and they are hereby severally authorized and directed to release Daniel Eshelman, W. B. McClellan, John Zehner, Tabor Summerton, John Myres, Edward McFadden, George Myres, W. W. Elgin, John W. Garver, Henry Berry, John W. Reed, Alfred Wannamaker, Nathan Peters, Israel Harbaugh, D. Gable, A. C. Duval, George Fresh, P. J. Brown, G. A. Whitmore, and H. J. Sheppard from their suretyship and liability on the several bonds of John R. Helman, to an amount not to exceed \$26,000, and from any penalty or interest on the entire amount of said deficit: Provided, that nothing herein shall be construed as releasing or as authorizing the release of said John R. Helman, principal, from any liability on any of his several bonds; and provided further, that said sureties of John R. Helman shall collect and pay into the treasury of Wayne county all the money arising from the available assets of said John R. Helman, without expense to the commissioners of said county; and provided further, that before the commissioners of Wayne county shall be authorized and required to release and cancel the judgment and liability, on account of the suretyships, as provided in the first and second sections of this act, they shall submit to the electors of Wayne county, at the April election of the year 1877, the question as to the release and cancellation of the judgment and liability provided for in the first and second sections of this act, and of which said election notice shall be given by publication in one or more newspapers of general circulation of said county for at least ten days prior to said election.

SEC. 3. At said election, the electors of said county residing outside the limits of the city of Wooster shall have written or printed on their ballots the words, "Release and cancellation of liability on account of suretyship on bonds of Jacob B. Koch and John R. Helman of funds due to Wayne county, Ohio, yes," and those voting against the same the words, "Release and cancellation of liability on account of suretyship on bonds of Jacob B. Koch and John R. Helman of funds due to Wayne county, Ohio, no:" provided, that at said election the electors of the city of Wooster, situate in said county of Wayne, shall have written or printed upon their ballots the words, "Release and cancellation of liability on account of suretyship on bonds of Jacob B. Koch and John R. Helman: First, amount due Wayne county, yes; second, amount due board of education

of the city of Wooster, yes; third, amount due the city of Wooster, yes;" and those voting against the same the words, "Release and cancellation of liability on account of suretyship on bonds of Jacob B. Koch and John R. Helman: First, amount due Wayne county, no; second, amount due board of education of the city of Wooster, no; third, amount due the city of Wooster, no;" and if a majority of all the electors of said county voting at said April election upon the questions, "Release and cancellation of liability on account of suretyship on bonds of Jacob B. Koch and John R. Helman, of funds due Wayne county, yes," then said commissioners shall release all the sureties on the bonds of said Jacob B. Koch and John R. Helman from all liability for the payment of any sum or sums of money due Wayne county on account of such suretyship; and if a majority of all the electors of the city of Wooster, voting at said April election upon the second and third propositions, or either of them, as herein specified, shall vote "Yes," then the board of education and the city council of the city of Wooster shall each respectively release all the sureties on the bonds of the said Jacob B. Koch and John R. Helman from all liability for the payment of any sum or sums of money due to the board of education or the city of Wooster, on account of such suretyship; provided further, that it shall be the duty of the judges of election in the several townships, precincts, and wards in said Wayne county, at said April election, A.D. 1877, when the notice of said election has been advertised as provided for, to open a poll for taking said vote, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of said county a full and correct abstract of said votes, specifying the affirmative and the negative vote of each proposition submitted at said April election, and the said judges of election shall be governed by the laws regulating general elections; and the poll-books so returned shall, within five days from the day of holding such election as herein provided, be opened, and the votes counted by the commissioners and auditor of the county; a correct statement of the result of which vote shall be kept by said auditor on file in his office for public inspection, and it is hereby made the duty of the county auditor to, immediately after the counting of said vote, certify to the board of education and the city council of the city of Wooster the result of said vote, and the board of education and the city council of the city of Wooster shall be governed by all the provisions of this act, so far as the same are applicable.

SEC. 4. That all the questions, or alternate propositions to be submitted to the electors by this act, shall be printed or written on their tickets, to be voted at said election; and if one clause be erased, the alternate one shall be counted; if both clauses relating to the same proposition be erased, or neither clause be erased, the vote on that proposition shall not be counted.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

## AN ACT

To authorize and empower the town council of the incorporated village of Middleton, Butler county, Ohio, to make certain transfers of the corporation funds of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the town council of the incorporated village of Middleton, Butler county, Ohio, be and it is hereby authorized and empowered to make the following transfers of its corporation funds now in the treasury :*

To transfer from the bridge construction fund to the marshal and police fund the sum of \$500.

To transfer from the bridge construction fund to the real estate and right of way fund, the sum of \$310.38.

To transfer from the cistern funds to the light fund, the sum of \$205 78.

To transfer from the general fund to the marshal and police fund, the sum of \$372.

To transfer from the bridge repair fund to the marshal and police fund, the sum of \$111.84.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

## AN ACT

To authorize the creation of a special school district in Pittsfield township, Lorain county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the following described territory, to wit: Lots number fifty-four, fifty-five, fifty-seven, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-four, seventy-five, seventy-six, seventy-seven, eighty-four, eighty-five, eighty-six, eighty-seven, ninety-five, ninety-six, all of lot number fifty-six, except fifty-two acres on the north side of said lot; the east half of lot seventy-three, and all that part of lot ninety-seven lying west of the west branch of Black river, in the township of Pittsfield, Lorain county, Ohio, be and the same is hereby created and declared to constitute a special school district, to be known as the Pittsfield special school district: provided, however, that a majority of the qualified electors residing within said territory, shall vote in favor of said special school district, at an election to be held in the following manner:*

SEC. 2. Written notices shall be posted in at least six of the most public places in said territory, signed by at least six resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled, at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least four hours, and shall not close before five o'clock in the afternoon. The electors in favor of the proposed special school district, shall have written upon their ballots "Special school district, Yes;" those opposed



thereto, "Special school district, No;" and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of all the ballots cast in said election be found in favor of the special school district aforesaid, the electors shall at once proceed to elect three members to constitute a board of education, one for one year, one for two years, and one for three years, from the second Monday of April, 1877, who shall hold their offices for the term herein specified, and until their successors are elected and qualified. Said special school district shall be entitled to all the school property belonging thereto, including all moneys collected and to be collected, and shall be governed by such laws as now or may hereafter be in force relating to special school districts.

SEC. 4. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

#### AN ACT

To authorize the board of education of the city of Portsmouth to borrow money to build a school house, and issue bonds for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Portsmouth, be and they are hereby authorized to issue the bonds of said city of Portsmouth, not to exceed twenty-five thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, payable semi-annually, signed by the president of said board, and countersigned by the clerk of the board, and redeemable in equal annual installments, for a period not to exceed fifteen years from the date thereof, redeemable at the office of the treasurer of said city, interest payable at said city treasurer's office. Said bonds shall be sold by the president of said board of education, or under his direction. Said bonds shall in no case be sold for less than their par value, and that no interest, brokerage, or commission shall be allowed said president or any other person in the sale of said bonds. Said bonds shall be issued in sums of fifty dollars, one hundred, and five hundred dollars, as said board may deem best.

Provided, that said board of education shall give at least ten days' notice in at least two newspapers of said city, to the electors of said city to meet at the various voting places in said city, on a day appointed in said notice, to vote upon the question of said expenditure, and if a majority of all the electors voting at said election shall be found to be in favor of said expenditures, then the said board of education shall proceed to carry out the provisions of this act. Those voting for said expenditure, shall have written or printed upon their ballots, "For school house," and all those voting against said expenditure, shall have written or printed on their ballots, "Against school house." Said election shall be held according to the laws governing regular elections.

SEC. 2. This act shall take effect from the ratification provided for in section (1) one of this act.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

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AN ACT

To authorize the transfer of certain funds therein named, now in the treasury of the city of Warren, Trumbull county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the city of Warren, Trumbull county, is hereby authorized to transfer moneys now in the treasury of said city, as follows, viz:

From the High street paving fund to the Liberty street paving fund, the sum of thirty-six dollars; from the High street paving fund to the Liberty street paving bond fund, seventeen hundred and forty-four dollars and forty-three cents; from the High street paving fund to the High street paving bond fund, fifteen hundred and eighty-four dollars and thirty-six cents; from the Market street paving fund to the Market street paving bond fund, six hundred and eight dollars; from the police fund to the road fund, eighteen hundred and seventy-three dollars and twenty-nine cents; from the street-cleaning fund to the gas fund, four hundred dollars; from the street-cleaning fund to the street-improvement fund, five hundred dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 20, 1877.

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AN ACT

To authorize the trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Fowler township, Trumbull county, Ohio, are hereby authorized to permanently transfer one hundred and forty-two dollars and seventy-five cents from the town hall fund to the general township fund of said township.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representative.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 22, 1877.

## AN ACT

To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Bellefontaine, Logan county, be and the same is hereby authorized to transfer from the street fund of said village, the sum of three hundred dollars to the police fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 22, 1887.

## AN ACT

To amend sections two and three of an act entitled "An act to authorize the commissioners of Scioto county to borrow money on the bonds of the county, to discharge the existing liabilities of said county, now in the shape of turnpike floating orders," passed April 11, 1876. (O. L., vol. 73, p. 313).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*. That sections two and three of the act above cited shall be so amended as to read as follows:

Section 2. That for the redemption of said bonds, the county commissioners are hereby authorized to levy on all the taxable property in Scioto county, Ohio, for each of the years 1878, 1879, 1880, 1881 and 1882, such amounts as shall be necessary to pay the interest on said bonds, and at least one-fifth of the principal.

Section 3. Provided, that the question of issuing said bonds shall be submitted to the qualified electors of said county for acceptance or rejection by them, at some regular election for state and county officers, and that proclamation shall be made by the sheriff of the submission of such question, as is provided by law for the election of state and county officers, and the ballots shall have printed or written upon them "for turnpike bonds," or "against turnpike bonds," and if a majority of all the voters voting at said election shall vote for turnpike bonds, then the commissioners shall proceed at once to carry out the provisions of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives,*

H. W. CURTISS,

*President of the Senate.*

Passed March 22, 1877.

## AN ACT

To authorize the commissioners of Van Wert county to make a temporary loan.

WHEREAS, The treasurer of Van Wert county, Ohio, whose office terminated in September 1876, was, and still is a defaulter to the amount of

about ten thousand dollars, for which suit has been brought by said county against said late treasurer and his bondsmen; and;

WHEREAS, There exists a necessity for said county to borrow money, temporarily, until the money due by reason of said defalcation can be collected; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Van Wert county, Ohio, be and they are hereby authorized to borrow, not exceeding the sum of ten thousand dollars, for the purpose of paying the indebtedness, and the current expenses of said county, at a rate of interest not exceeding eight per cent. per annum, and on time not exceeding two years.

SEC. 2. That for the purpose of carrying into execution the first section of this act, the said commissioners are hereby authorized to issue certificates of indebtedness of said county, to be signed by the said commissioners, and to be registered and countersigned by the auditor of said county, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually in such amounts and on such time as they shall deem best: Provided, that no part of said indebtedness shall be outstanding for a longer term than two years from the date of the issue of such certificates, and that there shall at no time be a greater amount of said certificates outstanding than ten thousand dollars; and provided further, that said certificates shall not be sold at less than par.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To authorize the commissioners of Ross county to build a bridge across the Scioto river and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Ross county be and they are hereby authorized to locate and build a free bridge across the Scioto river in the southern part of said county, at or near what is known as the "guard lock," on the Ohio and Erie canal, and to levy a tax for that purpose not exceeding three-quarters of one mill on the dollar of all the taxable property of said county, in each year, for not more than three years after said levy shall commence, in addition to the other taxes now by law allowed to be levied and collected.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.

## AN ACT

To authorize the transfer of certain funds of the village of Garrettsville, Portage county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the town council of the incorporated village of Garrettsville, Portage county, Ohio, be and they are hereby authorized to permanently transfer the surplus of the sinking fund now in the hands of the treasurer of said village to the corporation fund.*

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 30, 1877.

## AN ACT

To authorize the council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the incorporated village of Coshocton be and is hereby authorized and empowered to transfer the sum of one hundred dollars from the street cleaning and sanitary fund to the cemetery fund of said village.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 30, 1877.

## AN ACT

Amendatory of an act entitled "An act to authorize the commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river," passed April 7, 1876 (O. L., vol. 73, p. 286).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of the counties of Hamilton and Clermont are hereby authorized and directed to build two bridges over the Little Miami river, one at Miamiville, below the railroad bridge, the other between the mouth of Harner's run and the old Germany mill dam, at a cost not exceeding twelve thousand five hundred dollars each, one-fourth the cost thereof to be paid by Clermont county, and the remainder by Hamilton county, by contract entered into, in accordance with the laws for advertising for bids and letting contracts to build bridges.*

SEC. 2. The commissioners of said counties are also authorized and directed to appropriate from any bridge fund or other funds in their counties, a sufficient amount to pay for building said bridges; and to reimburse said fund or funds, and to build said bridges, said commis-

sioners are directed to levy a tax upon the real and personal property of their respective counties, in addition to the tax now authorized by law.

SEC. 3. That the act to which this is amendatory, passed April 7, 1876 (O. L., vol. 73, p. 286), is hereby repealed, and this act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To authorize the commissioners of Tuscarawas county, Ohio, to make compensation to George W. Ellis, as watch at the county jail of said county.

WHEREAS, George W. Ellis acted as watch to the jail of said county of Tuscarawas, in the state of Ohio, from September 21, 1876, to November 1, 1876, at the request of the sheriff and commissioners of said county; and,

WHEREAS, Said commissioners have doubts as to their legal right to pay for said services out of the funds of said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of said county of Tuscarawas, and state of Ohio, be and they are hereby authorized and empowered to make such compensation out of the county expense fund, to said George W. Ellis, for said services as they may deem reasonable and just.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To authorize the board of education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Perry township, Lawrence county, in addition to the other powers of taxation heretofore conferred by law, be and they are hereby authorized and empowered to assess, on the grand levy of the taxable property of said township, for the years 1877 and 1878, a tax not exceeding four mills on the dollar, to be applied only in the payment of the present indebtedness of said school board, incurred in the erection of school houses in said township: Provided, that the part of said Perry township included in Delta special school district, shall be exempt from said levy.

Sec. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 30, 1877.

#### AN ACT

To create a special school district in Sandy township, Tuscarawas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school district No. 7, in Sandy township, Tuscarawas county, and bounded as follows: beginning at the south-east corner of lot number twenty-four (24), in said township; thence along the line of said lot twenty-four to the north-east corner of said lot; thence to the south-east corner of the west half of lot eighteen; thence north to the north-east corner of said west half of lot number eighteen; thence east to the south-east corner of a forty acre tract of land owned by Uriah Gordon, Sr., and being a part of lot number thirteen; thence north to the north-east corner of said forty acre tract; thence west to the east line of Robert Render's land; thence north to the north-east corner of said Render's land; thence west to line of Patrick Meagher's land; thence north to line of Freruey and Laughlin; thence west to the south-west corner of lands of Thos. Meagher; thence north along the line of said Meagher's land to the north-east corner of the lands of John App; thence west to the north-west corner of lot number two, containing fifty acres, and owned by Daniel Streble; thence south to the north line of Fairfield township; thence east on line of Fairfield township and Sandy township, to the place of beginning; be and the same is hereby created a special school district, entitled to all the rights and privileges and subject to all the provisions of the laws now in force in this state regulating special school districts.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

#### AN ACT

To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Paris, Union county, Ohio, and the council of the incorporated village of Marysville, be and they are hereby authorized to join in the purchase of grounds for cemetery purposes, not exceeding one hundred acres, for the joint use of said township and village: provided, said grounds shall, after the purchase, be subject to the control of the trustees of cemeteries in said village, in accordance with

and subject to the provisions of chapter twenty-six of the municipal code, passed May 6, 1869 (O. L., vol. 66, page 210.)

SEC. 2. That said trustees and village council be and they are hereby authorized and empowered to purchase suitable grounds adjacent to said village, to be used for cemetery purposes, and to issue bonds to pay therefor, not to exceed five thousand dollars in amount, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and to be of such denominations as said trustees and council shall determine, not less than one hundred dollars each. Said bonds shall be signed by the mayor and clerk of said village, and the trustees of said township, and shall be payable at such time or times as said council may determine, not to exceed five years, and shall not be sold for less than their par value.

SEC. 3. That said trustees of the township and the council of the village aforesaid, shall have the power, and it is hereby made their duty, after the purchase of said grounds, to meet in joint session, annually, and levy a tax on all the taxable property of said township and village, a sufficient amount to pay the principal and interest of said bonds, as the same shall become due, and shall certify to the auditor of said county the percentage by them levied, necessary for the payment thereof, and the auditor shall place the same on the duplicate of taxes and shall collect the same as other taxes, and the money arising from such tax shall be, when collected, placed in the treasury of said corporation, to be applied to the payment of the principal and interest of said bonds, and for no other purpose: provided, that said trustees and council shall first submit the question of purchase of the grounds and the levying of the tax for the above named purpose, to the qualified electors of said township and corporation, at a general or special election, having first given ten days' notice of the same, by posting up said notices in at least five public places in said township; said election to be conducted by trustees of said township, as provided by law for holding state elections.

SEC. 4. The electors voting at said election shall have written or printed on their ballots, "Tax for purchase of cemetery grounds, yes," or, "Tax for purchase of cemetery grounds, no;" and if a majority of all the electors voting at said election upon the question submitted, shall vote, tax—yes, said grounds shall be purchased and said bonds issued as above provided.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

#### AN ACT

To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build a public hall, corporation prison, and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the incorporated village of Lebanon, Warren county, Ohio,*



be and is hereby authorized and empowered to contract for the building of, and to build a public hall, corporation prison, corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, not to cost more than thirty thousand dollars for the building of the hall and furnishing the same, but the contract authorized in this act shall not be made except in compliance with the provisions of section six hundred and sixty-three of the act to provide for the organization and government of municipal corporations, passed May 7, 1869, and amended April 8, 1876, and to execute, issue, and sell, at private sale, at not less than their par value, any or all bonds authorized to be executed, issued, and sold for the purpose of building a public hall, corporation prison, corporation offices connected therewith, by an ordinance of said village, passed January 18, 1875, notwithstanding any law to the contrary.

SEC. 2. That this act take effect on and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

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#### AN ACT

To amend an act entitled "An act to authorize the city council of the city of Akron to levy a tax for cemetery purposes," passed March 19, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section one of the above entitled act be amended so as to read as follows:*

Section 1. That the city council of the city of Akron be and they are hereby empowered and authorized to levy a tax of thirty-five hundred dollars on the taxable property within the limits of said city, to aid in the completion of the soldiers memorial chapel and the receiving vault connected therewith, in Akron Rural cemetery, and to provide funds to pay indebtedness for that purpose already incurred, and that said city council shall certify the amount so levied, not exceeding thirty-five hundred dollars, to the county auditor, who shall place the same on the tax duplicate for said county, to be collected as other taxes, and paid to the proper officer to be expended for the purposes for which it was levied, and no other. And, in addition to said levy, said council is authorized to levy, annually, an amount sufficient to pay the interest on the bonds herein authorized, as the same becomes due.

SEC. 2. Said original section one is hereby repealed, and this act shall take effect on its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

## AN ACT

To authorize the trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Ridgeville township, Lorain county, Ohio, be and they are hereby authorized to levy and assess a tax upon all the property in said township, not exceeding two mills on the dollar valuation, in the year A.D. 1877, for the purpose of constructing a vault or receptacle for the dead, for the use of said township; provided, that the trustees shall first submit the question of tax or no tax for the above named purpose, to the qualified voters of said township, at a general or special election, having given at least five days' notice of the same, in at least three public places in the aforesaid township, which notice shall state the amount to be raised.

SEC. 2. The electors voting at said election, shall have written or printed upon their ballots, the words, Tax, yes, or Tax, no; and if a majority of all the electors voting at said election upon the question submitted, shall vote, Tax, yes, this act shall thereupon be considered and held to be adopted by said township.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed March 31, 1877.

## AN ACT

To create a sub-school district in Crane township, Wyandot county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory embraced within the west half of section thirty-three (33), the south-west quarter of section 28 (28), all of the south half of section twenty-nine (29) lying east of the Sandusky river, and all of section thirty-two (32), lying east of said river, be and the same is hereby constituted a sub-school district, in Crane township, Wyandot county, Ohio.

SEC. 2. That the board of education of the school district under whose jurisdiction said sub-district shall be, is hereby authorized and empowered to contract for and construct a suitable brick school house, for school purposes, within the prescribed limits of said sub-district.

SEC. 3. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 5, 1877.

## AN ACT

Supplementary to "An act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas," passed March 20, 1840. (Local Laws 38 vol., p. 164.)

WHEREAS, A majority of the votes in the Gnadenhutten tract, as ascertained by the act to which this is supplementary, were against the

sale of that part of said tract set apart for the use of schools; and,

WHEREAS, It was made the duty of the county commissioners of the county of Tuscarawas, by virtue of the provisions of section nine of said act, to take charge of and lease the same, applying the proceeds thereof to the use of schools, in the same manner as is provided in section five of said act; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the management of said school lot in the Gnadenhutzen tract shall vest in three trustees, to be elected by the qualified voters residing on said tract; and the clerk of the township in which said tract is situated shall, within thirty days after the passage of this act, cause printed or written notices to be set up in at least five of the most public places in said tract, requiring an election to be held therein, for electing three trustees to perform all the duties pointed out in this act, giving ten days' notice of the time and place of holding such election, which shall be held at a convenient place; and the electors when assembled to the number of ten or more, shall proceed to choose viva voce three persons having the qualifications of electors, judges of the election, one of whom shall serve as clerk; the electors shall then proceed to elect one trustee to serve one year, one for two years, and one for three years, from the time of their qualification or until their successors are elected and qualified. And on the last Saturday of January, A.D. 1878, and annually thereafter, said electors shall meet at such convenient place as said board of trustees may designate, after ten days' notice, by posters as aforesaid, by said board, to elect one member of said board for three years; the said trustees shall preside at such annual elections, and shall appoint two clerks who shall keep two poll-books containing the names of the electors and the result of the ballot; which poll-books shall be signed by the trustees and clerks. The trustees shall take an oath or affirmation to faithfully perform the duties of their office.

SEC. 2. Said board shall have full power to rent or lease said school land, and to sue for and collect the rent due from the same.

SEC. 3. Said board shall, within ten days after their election, organize by appointing a chairman, treasurer, and clerk, from their number. The treasurer so appointed, shall execute a bond, payable to the state of Ohio, in double the sum that will probably be in his hands at any one time, with two or more freehold securities, to be approved by the other members of said board, and the clerk of the township in which said tract is situate, which bond shall be deposited with the township clerk.

SEC. 4. Said treasurer shall receive all moneys arising from the rent of said lot, or any part thereof, and pay them out upon the order of said board, to the several districts entitled thereto, and make report thereof to the county auditor.

SEC. 5. It shall be the duty of said board to apportion said funds to the several districts in said tract, according to the enumeration certified to them by the township clerk, and pay the same over to the Gnadenhutzen special school, and to the treasurer of the township in which said tract is situate, and to make a report in writing, at the annual election, of the amounts received and paid out from the rent of said land, and make report thereof to the county auditor.

SEC. 6. In case of death, resignation, or removal of any of the members of said board, the township clerk of said township shall fill such vacancy by the appointment of some suitable person having the qualifications of an elector, residing in said Gnadenhutzen tract, to serve until

the next annual election thereafter, when said vacancy shall be filled for the unexpired term.

SEC. 7. Said board of trustees shall be allowed such compensation for expenses and time actually employed in the leasing and collection of the rents of said lot as the township board of education, in which said tract is situate, shall determine. And said board of trustees shall be governed in all respects, not inconsistent with this act, by the provisions of "an act to incorporate the original surveyed township, passed March 14, 1831, and took effect June 1, 1831, and the acts amendatory and supplementary thereto;" and by the provisions of "an act for the reorganization and maintenance of common schools, passed May 1, 1873, and the acts amendatory and supplementary thereto," so far as they may be applicable.

SEC. 8. That section nine of the act to which this is supplementary, be and the same is hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 6, 1877.

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#### AN ACT

Defining the jurisdiction of the probate court of Ashland county, in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the provisions of an act entitled "an act defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, De fiance, Brown, Lorain, Coshocton, and Columbiana," passed March 4, 1859, be and the same is hereby extended to the county of Ashland.*

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

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#### AN ACT

Supplementary to an act entitled "An act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876 (O. L., vol. 73, p. 283).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That all taxes heretofore levied, or that may be levied under the act to which this is supplementary, shall be payable in money, and shall be a township road fund, under the exclusive supervision, application and control of the trustees of said township, and by them applied in macadamizing and improving the roads in said township, as contemplated in the act to which this is supplementary.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

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AN ACT

To change the time of holding the next term of the court of common pleas in Paulding county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the next term of the court of common pleas in Paulding county, shall be held on the twenty-sixth day of June next, at the hour of eight o'clock A.M. of said day, instead of the seventeenth day of April next, as fixed by the order of the judges of the third judicial district of said state; provided, however, that nothing herein contained shall be construed to, in any manner, interfere with the time or times fixed for holding any other term or terms of court mentioned in said order.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

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AN ACT

To authorize the commissioners of Lawrence county to fund the infirmity debt, and to levy a tax to liquidate the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lawrence county, be and they are hereby authorized and empowered to borrow an amount of money not exceeding five thousand dollars, at a rate of interest not exceeding eight per cent. per annum, and to issue bonds therefor, payable in one, two and three years from date: provided, that the proceeds of said loan shall be applied to the liquidation of the floating debt of the Lawrence county infirmity, and for no other purpose.

SEC. 2. That the commissioners of Lawrence county, in addition to the other powers of taxation conferred by law, be and they are hereby authorized and empowered to assess on the grand levy of the taxable property of said county, for the years 1877, 1878, and 1879, a tax not exceeding two-tenths of one mill on the dollar, to be applied only in the liquidation of the loan authorized by the first section of this act.

SEC. 3. This act shall take effect from its date.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

## AN ACT

To extend the time for payment of school lands in section number sixteen, in Waterville township, Lucas county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of five years from the day the respective installments become due, and the same is hereby given to the purchasers of lands in school section number sixteen, in Waterville township, Lucas county, Ohio, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and, provided further, that the auditor of said county may, at any time, require additional security for the payment of the principal and interest, if, in his opinion, the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

## AN ACT

For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county, Ohio.

WHEREAS, Some burglar, unknown, on the night of November 14, A.D. 1876, entered the premises of Henry Ahrendts, treasurer of said township, and broke and entered the building owned and occupied by said treasurer, and broke open the safe in which were deposited the surplus school funds of said township, and stole therefrom the sum of two thousand, three hundred and sixty-five dollars and sixty-nine cents, belonging to said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Jefferson township, in the county of Noble, after having first ascertained the fact as to the full amount of the loss of public funds, by reason of said burglary and robbery, are hereby authorized to submit to the qualified electors of said township, at the October election, A.D. 1877, the question of releasing Henry Ahrendts, treasurer of said township, and his sureties, from the loss so found to exist; provided, the said trustees shall give ten days' notice of said submission, by having posted up in ten of the most public places in said township, notice of the same.

SEC. 2. If a majority of all the votes cast at said election, shall be in favor of said release, the said trustees and board of education shall release Henry Ahrendts and his sureties from all liability arising from the loss of public funds by said burglary.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 9, 1877.

## AN ACT

To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Marysville, Union county, be and they are hereby authorized to permanently transfer from the cemetery fund of said incorporated village three hundred and ninety three dollars and twenty-one cents, now in the treasury of said incorporated village, and three hundred and ninety-three dollars and twenty-one cents to be paid into said treasury June 20, 1877, to the street fund of said village for street purposes.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 9, 1877.

## AN ACT

To create two voting precincts in Plain township, Wood county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Plain, in Wood county, Ohio, be and the same is hereby divided into two election precincts, as follows: All that part of said Plain township lying and being east of the west lines of sections three (3), ten (10), fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34), in said township, shall constitute and be known as the Bowling Green voting precinct, and the voting place of said precinct shall be located by the trustees of said township within that portion of the village of Bowling Green lying in said township. The remaining portion of said township shall constitute and be known as the Plain township voting precinct, and the voting place therein located at such place as shall be selected by the trustees of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 9, 1877.

## AN ACT

For the relief of Thomas H. Familton.

WHEREAS, On the 20th day of September, 1874, the directors of special school district number one (1), Lafayette township, Coshocton county, Ohio, employed W. R. Lance as principal teacher of said special school district, at an agreed price of two dollars and twenty-five cents per day, and after having taught to the satisfaction of said special school district sixty-eight days, left for parts unknown; and,

WHEREAS, Thomas H. Familton, treasurer of said special school district, did, during the time of said service, pay, on account of his services,

to said W. R. Lance, funds to the amount of eighty-six dollars and fifty cents; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the directors or trustees of special school district number one (1), Lafayette township, Coshocton county, Ohio, be and they are hereby authorized to release said Thomas H. Famlton, treasurer of said special school district, from the payment of the said sum of eighty-six dollars and fifty cents, it being the amount paid W. R. Lance as said teacher; or if, upon due investigation by the directors or trustees of said special school district, they be satisfied that the said treasurer paid said sum of money out of his own individual funds, then said directors or trustees of said special school district are hereby authorized to refund to said treasurer said sum of money out of the school funds of said district, so as aforesaid paid.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

To amend an act entitled "An act to authorize the commissioners of Seneca county to build a jail, and issue bonds therefor."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section one of "An act to authorize the commissioners of Seneca county to build a jail and issue bonds therefor," passed April 3, 1876, be and the same is hereby amended so as to read as follows:*

Section 1. That the commissioners of Seneca county be and they are hereby authorized to buy a site, and erect a jail thereon, in the city of Tiffin, or erect a jail on premises now owned by said county, in the city of Tiffin, at a cost not exceeding thirty thousand dollars, exclusive of whatever sum may be realized from the sale of the old jail, or jail lands, or both, now owned by the county, which old jail, and the land now used for a jail and jail yard, in said city of Tiffin, they are authorized to sell in whole or in part at public or private sale, or otherwise appropriate to to the building of said new jail, or in payment thereof.

SEC. 2. The original section one of the act above named is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

For the relief of Peter Weikert.

WHEREAS, Peter Weikert was the duly elected and qualified treasurer of Seneca township, in Seneca county, Ohio, on the fifteenth day of Octo



ber, A.D. 1875, and as such treasurer had on deposit in the First National Bank of Tiffin, Ohio, the sum of \$1,366.74, deposited by him as such treasurer, belonging to said township; and,

WHEREAS, The said bank failed on said fifteenth day of October, 1875, and all its assets were placed in the hands of a receiver, and will not pay but a small dividend upon the indebtedness, and said Peter Weikert is not able to pay said loss without great suffering; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said Seneca township are hereby authorized to release said Peter Weikert, and his sureties on his official bond, and from all other liabilities for the payment of said \$1,366.74: Provided, that before said release shall be made, said Peter Weikert shall pay into the township treasury of said township, all dividends received by him from the assets of said bank, and shall assign to the treasurer of said township, all papers held by him as evidence of indebtedness for said deposit, for the use of said township; provided, also, that before such release shall be made, the question shall be submitted to the qualified electors of said township, by the trustees of said township, at some regular or special election, notice of which shall be given by publication in two weekly newspapers having a general circulation in said county, at least fifteen days prior to such election, and that a majority of the electors voting at such election shall vote in favor of such release.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

For the relief of Jonah F. Robinson, treasurer of Morgan township, Gallia county, and his sureties.

WHEREAS, On the night of 27th of March, A.D. 1876, the dwelling-house of Jonah F. Robinson, treasurer of Morgan township, Gallia county, was broken into by burglars, and five hundred dollars of the school fund of said Morgan township stolen therefrom; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Morgan township, in the county of Gallia, are hereby authorized to submit to the qualified electors of said Morgan township, at the first general election held after the passage of this act, the question of releasing the said Jonah F. Robinson, treasurer of said township, and his sureties, from the loss above named.

SEC. 2. If two-thirds of all votes cast at said election shall be in favor of said release, the said trustees and the board of education are hereby authorized to release the said Jonah F. Robinson and his sureties from all liability arising from the loss of the said five hundred dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 11, 1877.

## AN ACT

To authorize the commissioners of Stark county to increase the levy for county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Stark county be authorized to levy, for county purposes, in the year eighteen hundred and seventy-seven, not to exceed one and six-tenths mills on each dollar of taxable property in said county.*

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

## AN ACT

To authorize the commissioners of Columbiana county, Ohio, to repair West Point and Hanover road.

WHEREAS, The citizens of Madison and adjoining townships, in Columbiana county, are laboring under great inconvenience for want of repairs on the road leading from West Point to Hanover (first half mile); and,

WHEREAS, Said road is now unsafe to life and property of the traveling public, on account of overhanging rocks; and,

WHEREAS, The commissioners of said county claim there is now no law authorizing them to repair said road; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Columbiana county are hereby authorized and required to cause such repairs to the above described road, in removing overhanging rock and widening road so as to render it safe to the traveling public, and pay for said repair out of the county treasury.*

SEC. 2. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

## AN ACT

To provide for the payment of a town hall debt, in Polk township, Crawford county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Polk township, Crawford county, Ohio, are hereby authorized, for the purpose of paying the balance remaining due on the town hall, in said township, to transfer one thousand five hundred dollars from the township fund in the treasury of said township, to the town hall fund thereof, and to issue bonds, not to exceed one thousand dollars in the aggregate, payable in not more than three years, and bearing interest at a rate not to exceed eight per cent. per annum.*

SEC. 2. For the purpose of reimbursing said township fund and paying the said bonds provided for in the first section of this act, the trustees

of said township are hereby authorized to levy a tax on all the property, both real and personal, liable to taxation within said township.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1867.

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#### AN ACT

To authorize the auditor of Butler county, Ohio, to pay a claim named therein.

WHEREAS, Samuel Gillespie, of Ross township, Butler county, Ohio, represents that he performed work and labor on the Baltimore and McGonigle station free turnpike road, to the amount of one hundred and fifty dollars over and above the taxes levied and collected for the construction of said road:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Butler county, Ohio, be and he is hereby authorized and required to inquire into the facts and merits of said claim, with power to hear testimony thereon, and ascertain the amount of labor so performed by said Samuel Gillespie, which he has not been paid for; and, if in said examination said auditor is satisfied that said claim, or any part thereof, is just, together with the interest thereon, he is authorized to draw an order on the treasurer of said Butler county, in favor of said Samuel Gillespie, for the amount so found due him.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

To require the township trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township.

WHEREAS, Henry Anderman, and other citizens of the county of Tuscarawas, by legal proceedings had before the commissioners of said county, obtained an order from said commissioners for the opening of a county road through the townships of Dover, Fairfield, and Lawrence, in said county, leading from Canal Dover to Zoar; and,

WHEREAS, Said road was so opened through the townships of Dover, on the south end, and Lawrence, on the north end; and,

WHEREAS, The trustees of Fairfield township failed to open said road within the time required by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Fairfield, in the county of Tuscarawas, be and the same are hereby required to open so much of said road as lies

in said township of Fairfield, and put the same in good passable condition as a public highway, within three years from April 1, 1877.

SEC. 2. For the purpose of opening the same, the trustees of said township of Fairfield are required to levy, annually, during the years 1877, 1878, and 1879, such an amount, not exceeding the amount required in each of said years, on the taxable valuation of said township, to open and put said road in a good passable condition.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Canaan township, Morrow county, be and they are hereby authorized to anticipate the tax authorized to be levied by the provisions of the act passed March 23, 1869 (O. L., vol. 66, p. 37), and acts amendatory and supplementary thereto, to borrow money, not to exceed two thousand dollars, to purchase additional grounds to enlarge the cemeteries belonging to said township, and to fence and improve the same; and the trustees are authorized and empowered to issue bonds of said township for said sum, in such denominations as they may determine, and payable at such times as they deem proper, and that said bonds shall bear interest at a rate not to exceed eight per cent. per annum, payable semi-annually; and the said bonds shall not be sold for less than their par value.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

Authorizing the trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That [the] trustees of Orange township, Ashland county, Ohio, are hereby authorized to transfer two hundred and twenty-five dollars, the balance remaining in the treasury of said township, of a fund levied for the pur-

pose of purchasing a site and erecting a town hall thereon, to the general fund of said township.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

To authorize the city council of the city of Mansfield, Ohio, to levy a tax in addition to that now authorized by law, for the payment of a certain bonded debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Mansfield, Ohio, be and it is hereby authorized to levy a tax of three mills on the dollar of taxable property on the duplicate of said city, in addition to that now authorized by law, for each of the twenty years succeeding and including the year 1877, for the purpose of paying the bonds issued by the authorities of said city for the erection of Holly water works in said city, and for the purpose of paying certain bonds heretofore issued for the extension of certain debts due from said city: provided, that it shall be the duty of said city council of said city, to levy, under the provisions of this act, only that amount of tax which may be necessary to pay the bonds of the aforesaid description, and when these purposes are accomplished, the right of taxation by said city under this act, shall cease, and this act shall thereafter be of no effect.

SEC. 2. That an act entitled "an act to authorize the city council of the city of Mansfield, to levy a tax in addition to that now authorized by law, for the payment of a certain bonded debt," passed and took effect April 6, 1876, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

To fix the time for holding an additional term of the district court in Vinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the regular term of the district court for the county of Vinton, fixed by the judges of the seventh judicial district of Ohio, beginning September 18, 1867, there be held in said county an additional term of the district court, at the court house in McArthur, in said county, beginning Tuesday, August 21, 1877. And all cases pending in the district court for said county, on said August 21, 1877, shall be for trial or hearing in such order as the court may direct.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GORSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

To authorize the trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

WHEREAS, There was levied and collected in Wayne township, Clermont county, Ohio, a sufficient tax to raise eight hundred and fifty dollars for free turnpike purposes; and,

WHEREAS, The said levy was made by mistake, and the township has no use for said funds for said purposes; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Wayne township, Clermont county, Ohio, are hereby authorized to transfer the sum of eight hundred and fifty dollars, raised for free turnpike purposes, to the township fund.*

SEC. 2. This act shall take effect from and after its passage.

C. H. GORSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

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#### AN ACT

To authorize the council of the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the incorporated village of Fostoria, Seneca county, Ohio, be and they are hereby authorized to borrow money for the purpose of purchasing a steam fire engine, for the use of the fire department of said village, and to issue bonds therefor not exceeding four thousand dollars, and to be known as "Fire engine bonds," and to be issued in such sums as may be desired, bearing interest at the rate of eight per cent. per annum, payable semi-annually, and not to run longer than five years, as said council may determine; said bonds shall be signed by the mayor, and countersigned by the clerk of said village, and shall not be sold for less than their par value.*

SEC. 2. That for the purpose of paying said bonds, with the interest, as the same may become due, the council of said village of Fostoria are hereby authorized and empowered to levy a tax, in addition to the taxes now by law allowed, upon all the taxable property of said village, both real and personal, at such times and in such amounts as may be necessary, the same to be certified by the clerk of said village to the county auditor, by whom the same shall be entered upon the duplicate of the incorporated village of Fostoria in said county, and collected as other taxes; and the money so raised shall be paid over to the treasurer of said

village, for the use of the fire engine fund, and paid out on the order of the council, for the purpose specified by this act, and for no other purpose whatever.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

#### AN ACT

For the relief of James F. Coffield and his sureties, treasurer of Patterson township Darke county, Ohio.

WHEREAS, On the night of the eighth day of March, A.D. 1877, the dwelling house of James F. Coffield, he then and there being the treasurer of the township of Patterson, in the county of Darke, in the state of Ohio, was burglariously entered and the sum of twelve hundred and eighty-eight dollars and eighty-four cents was taken therefrom, being the funds of the said township, and in the custody of said treasurer; and,

WHEREAS, Said burglary was committed without any fault or connivance on the part of the said James F. Coffield; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Patterson, in the county of Darke, in the state of Ohio, be and the same are hereby authorized to levy a tax upon the taxable property of said township in accordance with law, sufficient to replace the sum so as aforesaid stolen, and to certify the levy of the same to the auditor of said county, whose duty it shall be to place the same upon the tax duplicate of said township, to be collected as other taxes, and that said James F. Coffield and his sureties, be and the same are hereby released from further liability in the premises: provided, however, before any such levy shall be made or release had, the question of such levy and release shall be submitted to the qualified voters of said township at the October election, A.D. 1877, the clerk of said township first giving, or causing to be given, notice thereof, by posting, or causing to be posted, written notices thereof in at least six most conspicuous places in said township at least twenty days before said election.

SEC. 2. The ballots cast at said election shall have either printed or written thereon, "For the levy of a tax for the relief of James F. Coffield and sureties, Yes;" "For the levy of said tax for the relief of the sureties of James F. Coffield, No;" and if a majority of the votes cast at said election on said question shall be "Yes," then said levy shall be made and release had; but if a majority of the votes cast at said election upon said question shall be "No," then said levy shall not be made or release had.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 11, 1877.

## AN ACT

To locate a special school district in the township of Greenwich, Huron county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following territory, situated in the township of Greenwich, Huron county, Ohio, as hereinafter described, be and the same is hereby organized into a special school district for school purposes; and that said district be entitled to the school property within its limits, and to receive their proportion of the funds collected, or already levied and not collected, and in said county or township treasury. The following boundaries shall constitute the said district: Beginning on the town line at the south-west corner of the land formerly owned by S. H. Gibson; thence east to the north-west corner of land owned by Benjamin Kniffen, in section four (4); thence south along the west line of said Kniffen's land to the south-west corner of said land; thence east to the half section road at J. E. McCulloch's south-east corner; thence south along said road to Lorenzo Barrett's south-west corner of lot fourteen (14); thence east to the southeast corner of said Barrett's land; thence north along the west line of Oscar Travis's land to the north-west corner of the same; thence directly east to the section line road; thence north on said road to the north-east corner of Benjamin Kniffen's land, lot one (1), section three (3); thence west along the north line of land owned by Benjamin Kniffen, W. R. Smith, B. and C. B. Kniffen, and John Kelly, to the diagonal road; thence north-westerly along said road to the north line of H. G. Washburn's land; thence west along the north lines of H. G. Washburn's and L. M. Palmer's land to the town line road; thence south along said road to the place of beginning, be and the same is hereby made and declared to be a special school district; and the electors within said territory, on the second Wednesday after the passage of this act, are authorized to hold a special election for school directors, according to the law governing the election of school directors in other cases.

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

## AN ACT

To authorize the county commissioners of Darke county to levy a tax to pay off an existing indebtedness on the fair grounds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Darke county be and they are hereby authorized and empowered to levy, on the taxable property of said county, such a per centum as will yield a sum not exceeding five thousand dollars, such levy to be made for the year 1877, and to be collected as other county taxes are collected.

SEC. 2. The money authorized to be collected under this act shall be



appropriated to the payment of an existing indebtedness on lands belonging to Darke county, and now occupied and used by the agricultural society of said county.

SEC. 3. This act to take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

To create two separate election precincts in Flushing township, Belmont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the territory in sections numbered thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-five, twenty-six, twenty-seven, thirty-one, thirty-two, and thirty-three in original township nine, range five, and sections numbered one, two, and three, in original township ten, range six, in the township of Flushing, Belmont county, be and the same shall constitute a separate election precinct in said township, in which the elections shall be held in the village of Flushing, in said precinct; and that the remaining portion of the territory composing said township, shall constitute another separate election precinct within said township, the elections in which shall be held at such place as may be designated by the trustees of said township of Flushing.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

To authorize the common council of Oak Harbor to borrow money.

WHEREAS, The common council of the village of Oak Harbor, in the county of Ottawa, did, on the fifth day of July, A. D. 1876, accept a donation of five acres of land situated in said village, for the purpose of a public park, conditioned that the said public grounds be fenced and improved as such, within one year from said date; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to meet the expenses of building said fence and improving said public grounds, the common council of the village of Oak Harbor are hereby authorized to issue bonds, not to exceed three hundred dollars, to be signed by the mayor and clerks of said village, in sums of not less than one hundred dollars each, interest payable semi-annually, not to exceed eight per cent. per annum, the principal to be paid in one and two years, and said bonds shall not be sold for less than their par value; and said council of said incorporated village is hereby authorized to levy a tax in

accordance with law, on the taxable property of said village, to be certified to the auditor of said county, to be collected as other taxes, for said purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

For the relief of Katy Ann Urick and others.

WHEREAS, Mrs. Katy Ann Urick, as principal, and certain others as sureties, owe the township of Mill, in the county of Tuscarawas, Ohio, certain promissory notes, given by her for her deceased husband, said notes amounting to \$2,373.89, and the money represented being due the township and school funds of said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Mill township, Tuscarawas county, Ohio, and the board of education of said township, are hereby authorized and required to cancel and discharge the indebtedness of said Katy Ann Urick, and her sureties, and deliver up the said promissory notes given for said debt; and said parties, the makers and endorsers of said promissory notes, shall thereupon be discharged from all liability upon the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 12, 1877.

#### AN ACT

To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, are hereby authorized and required to place the amount of assessments, together with the interest accumulated, levied for the construction of the Rome and Mineral Springs free turnpike road, which may be due and unpaid on the 20th day of June, A.D. 1877, on the state and county duplicate of said county, as a special tax against the lands which may then be charged with such unpaid assessments and interest, as follows: In the year 1877, one fifth of the amount due, including interest at seven per cent. per annum, payable semi-annually, as state and county taxes, and so continue for five consecutive years, until the whole amount shall have been levied.

SEC. 2. The auditor of said county, in making the tax duplicate for

each year, is hereby required to place said amounts so found due, on the state and county duplicate, as a special tax against said lands; and the treasurer is authorized to collect the same as state and county taxes, subject to the same statutory penalties for non-payment, and provisions for redemption of such of said lands as are sold at delinquent sale, as are now or may be in force during the years of collection.

SEC. 3. Before any such tax shall be levied by the county commissioners, or placed upon the duplicate as provided for by this act, the land owners of the lands against which said assessments may stand charged, shall first petition said commissioners in writing to place the amount of said assessments against their lands which may be due and unpaid, on the state and county duplicate, and to extend the time of paying the same as herein provided for.

SEC. 4. Upon the passage of this act, the county commissioners of said county shall give notice in two newspapers published in said county, of the time, or times, at which they will meet at their office to receive and act upon any and all petitions filed with them in accordance with the provisions of this act, and said commissioners shall have power to adjourn, from day to day, as they may deem best for the interests of said delinquent land owners.

SEC. 5. All petitions from such land owners as may desire to avail themselves of the provisions of this act, shall be presented to the commissioners within four months from the date of the first published notice given, as is provided in the fourth section of this act.

SEC. 6. The commissioners shall meet at their office immediately after the expiration of said four months, and proceed to ascertain the amount that they are required, under the provisions of this act, to transfer from the Rome and Mineral Springs free turnpike road duplicate, to the state and county duplicate, and issue the bonds of the county, payable in one, two, three, and four years from date, with interest at seven per cent., payable semi-annually, for an amount equal to the sum placed upon the state and county duplicate as aforesaid. Said bonds shall be issued in such denominations as said commissioners may deem best, and shall not be sold for less than their par value; and the proceeds of the sale of said bonds shall be applied to the redemption of an equal amount of the bonds then due and outstanding, issued for the construction of the Rome and Mineral Springs free turnpike road, and to no other purpose.

SEC. 7. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

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#### AN ACT

Authorizing the board of education of Genoa special school district, in Ottawa county, to levy a tax to pay a judgment.

WHEREAS, At the January term, A.D. 1877, of the court of common pleas of Ottawa county, Ohio, the board of education of Clay township, Ottawa county, Ohio, recovered a judgment against the board of educa-

tion of the village of Genoa, Ohio, for the sum of two thousand dollars, in an action therein pending between said parties, being for moneys furnished by the plaintiff to the defendant, to be by it used in building a school-house in said district, and which was so used, and which judgment, by the terms thereof, is to be paid in four equal annual payments, with interest, payable annually, on all sums unpaid; and,

WHEREAS, The said board of education of the village of Genoa, aforesaid, have no moneys with which to pay said judgment, nor power to levy taxes sufficient to pay the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said board of education of the village of Genoa, be and they are hereby authorized to make, annually, between the third Monday in April, and the first Monday in June, until said judgment is paid, an estimate of an amount of money to be raised each year, sufficient to pay the amount falling due upon said judgment, in addition to other estimates by law required to be made by them, and to certify the same, in writing, on or before the first Monday in June, in each year, to the auditor of said county of Ottawa, who shall thereupon assess said amount upon all the taxable property of the school district known as the village district of the village of Genoa, in said county, and enter the same upon the tax duplicate of the county; and the county treasurer shall collect the same, at the same time and in the same manner as state and county taxes are collected, and, when collected, he shall pay the same over to the treasurer of said board of education of said school district of the village of Genoa, upon a warrant from the county auditor, and the said board of education shall apply the same in payment of said judgment, and the interest accruing thereon, and to no other purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to wit:

Beginning at the south-east corner of lot number six; thence west to south-west corner of lot number thirty-eight; thence north to north corner of lot number forty; thence north to the center of section eight in said township; thence east to north-east corner of south-east quarter of section ten; thence south on the township line to the place of beginning, be and the same is hereby created and declared to constitute a special school district: Provided, however, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election held in the manner following:

Written notices shall be posted in at least three of the most public places in said territory, signed by at least six resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place desig-

nated in said notices, then and there to vote for or against the creation of said special school district.

The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P.M.

The electors in favor of the proposed special school district, shall write upon their ballots, "School—Yes," and those opposed thereto, "School—No," and a majority of the ballots so cast, shall determine the question whether or not the proposed special school district shall be created.

Should a majority of the ballots at said election be in favor of the special school district aforesaid, the electors shall immediately proceed to elect three school directors, one for one year, one for two years, and one for three years, whose terms of office shall respectively expire on the second Monday of April, or as soon thereafter as their successors are elected and qualified.

The said special school district shall be entitled to receive their proportionate share of the school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1876, of children who are entitled to attend schools, said funds being those now collected or already levied and not collected within the county or township treasury.

Said district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

To provide for the straightening, clearing out, widening, deepening, and otherwise improving Stillwater ditch and creek, also, its tributaries in Darke county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Darke county, Ohio, shall have power, at any regular or called session, whenever in their opinion the same is demanded by, or will be conducive to the public health, convenience or welfare, or for the drainage of public roads or lands in said county, to cause to be cleared out, widened, deepened, straightened, constructed and improved, as hereinafter provided, the following described ditch, drain, or water-course, known as Stillwater creek, and commencing at or near the west line of section six (6) township thirteen (13), of range two (2) east, in the present Stillwater ditch, thence down on or near the present line of said ditch or Stillwater creek, until a sufficient outlet and fall is obtained for the thorough drainage of lands along upper Stillwater and its tributaries: Provided, that the provisions of this act shall apply to any lateral or tributary ditch dependent on the main Stillwater ditch for an outlet.

SEC. 2. That whenever one or more persons owning lands adjacent to said ditch or ditches, drain or drains, water-course or water-courses, referred to in section one (1) of this act, shall file a petition with the auditor of

Darke county, Ohio, addressed to the commissioners of said county, giving the starting point, route and terminus, and setting forth the necessity of such clearing and widening, deepening, straightening and constructing the same, and shall file a bond with amount and sureties to the acceptance of the said auditor, conditioned to pay all the costs and expenses incurred, in case the commissioners shall refuse to grant the prayer of the petition, or fail to establish said improvement, the commissioners shall appoint an engineer to survey and level the route of said proposed improvement as described in the petition, and the auditor shall place a correct copy of said petition in the hands of the engineer, whom the commissioners have appointed, and said engineer shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey and level of the route of said proposed improvement, throughout the whole length thereof, and on completion of said survey and level, shall return to the county auditor a plat and profile of said proposed improvement, together with a complete report of his survey, which shall set forth in order a definite description of the proposed improvement, its availability, and necessity, with a description of each parcel or tract of land, highway, road or railroad, benefited by said improvement, how it will be affected thereby, and its situation and level as compared with adjoining lands; and the estimated expense of the said improvement, and the lots or tracts of land, highways, roads or railroads, which will be benefited thereby, and which should be assessed for the expense of constructing the same, and the depth of excavations, and the dimensions of said ditch, drain, or water-course, and fix a grade line, and such estimated expense of construction shall be made for each half mile of said improvement, and the same shall not be sold for more than twenty per cent. above said estimate. The profile of the engineer shall show :

*First*—The number of each station of not more than one hundred (100) feet, numbered consecutively down stream.

*Second*—The present depth and width of the ditch, drain or water-course, covered by and mentioned in the petition for the improvement proposed.

*Third*—The depth and width of the ditch, drain or water-course, which the said engineer shall recommend to complete the improvement suggested by and prayed for in the petition.

*Fourth*—The actual number of cubic yards of earth to be removed. The said engineer shall, in his report, also specify the manner in which the work shall be done; the necessary flood-gates, water-ways, bridges, and farm-crossings (which are to be constructed and kept up by the persons requiring them or either of them, in such manner that the flow of water in said ditch, drain, or water-course shall not be impeded thereby), together with such other facts and suggestions as he may deem material. It shall be the duty of the county auditor, on such report being filed, to cause notice of the same, the pendency and prayer of said petition, and the time set for the hearing thereof by the county commissioners, at which time they will establish the same, to be given by publication for two consecutive weeks in some newspaper published and of general circulation in Darke county, and said notice shall be deemed sufficient to all parties interested.

SEC. 3. That any person or persons claiming compensation for lands or property appropriated, or who shall sustain any damage by the clearing out, widening, deepening, straightening, or constructing of such drain, ditch, or water-course shall make his, her, or their application in writing

therefor to the county commissioners, and file the same with the county auditor on or before the day set for hearing the petition, and on failure to make such application, shall be deemed and held to have waived his, her, or their right to such compensation and damages.

SEC. 4. Upon the hearing of the petition and report of the engineer as mentioned in section two of this act, the commissioners shall, if they find the requirements of the second section of this act have been complied with, and if, in their opinion, the public health, convenience and welfare, and the drainage of roads and land demand it, enter upon their journal an order that said improvement be made, which order shall state the kind of improvement, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall give printed notice for at least two weeks of the time and place when and where he will let contracts for the performance of the same, which notice shall be given by posting one notice upon the door of the auditor's office, and not less than ten such notices in public places in the vicinity of said proposed improvement, and who shall, with the approval of the county commissioners, make a contract for the completion of the work, and the contractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid: provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give bond and security for the proper performance of his contract within the time and manner described, as the county commissioners may deem sufficient.

SEC. 5. The commissioners, when any such improvement shall have been ordered by them, shall immediately, upon actual view of the premises, apportion the expense of said improvement, including the cost of compensation for lands appropriated and damages sustained, and all other expenses of the location and establishment of said improvement, upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom. When the apportionment shall have been made as aforesaid, the county auditor shall give notice of the same by publication, in tabular form, in some newspaper published and of general circulation in said county, for two consecutive weeks, of the time when the commissioners will meet at the county auditor's office to hear exceptions to the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said apportionment, they shall confirm the same; but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of the said commissioners shall be authorized to administer oaths to witnesses, and upon such hearing they may either confirm said apportionment or change the same. The final action of the commissioners shall be entered upon their records, and shall show how the said expense has been apportioned upon the lands ordered to be assessed as aforesaid. The county auditor shall assess the amount of said apportionment to the said several tracts of land, town lots, highways, roads, or railroads to which the same has been as aforesaid apportioned by said commissioners, and place the said assessment upon a special tax duplicate to be provided for that purpose by the county commissioners, and said assessment shall be collected as taxes are now collected: provided,

that all the costs and expenses of the preliminary survey, proceedings and apportionment of said improvement shall be paid out of the county treasury; and all the expenses and costs aforesaid shall be paid into the county treasury out of the first collections from the first levy of taxes authorized by this act.

SEC. 6. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of the county are hereby authorized to issue the bonds of the county, payable in installments, or at intervals, not exceeding in all the period of five years, bearing interest at a rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and so be placed upon the special tax duplicate against the lands assessed, and be collected in the same manner as other taxes are, and the same penalties for delinquencies and in redemption of lands sold for the non-payment of such assessments, shall be valid, the same as in state and county taxes, and when collected, the money arising therefrom shall be applied to no other purpose than the payment of said bonds and interest; provided, that the money paid out of the county [treasury] for the preliminary survey and other expenses, shall be first paid into the said treasury; and, provided further, that no bonds shall be delivered or money paid to any contractor, except upon estimate of work done as the same progresses, or is completed, which estimate shall be made by the engineer of said improvement, and one more of said county commissioners.

SEC. 7. For the purpose of keeping said ditch, drain or water-course free from driftwood, brush or other obstructions, the county commissioners shall be authorized to levy, from time to time, such an amount of tax on the lands so benefited and heretofore assessed for the said improvement, as in their judgment may be deemed sufficient to keep such water-course in good repair, and said amount so levied shall be applied to the removing of such driftwood or other obstructions under and by direction of said commissioners, in such manner as they may deem best, and they shall enter an order upon their journal, specifying the amount to be levied for such purpose, and the portion or portions of such ditch, drain or water-course to be freed, and the same shall be collected and applied according to the previous provisions of this act.

SEC. 8. The compensation of persons employed under this act shall be as follows: To the rodman, chainman and axman, and other necessary assistants, each one dollar and fifty cents per day, and to be paid by the parties interested, as is provided by this act; the engineer and surveyor, five dollars per day; commissioners, auditor and treasurer, the like fees as are allowed by law for similar services in other cases, and to be paid by the county: provided further, that the fees of printers, for the notices herein provided for, shall be the same as are now, or may be hereafter provided by law for printing the delinquent tax list, and no more.

SEC. 9. The said county commissioners may, when such improvement is located and established as provided in this act, and the same crosses any corporate or public road, or any railroad, if they are of the opinion that the same will be benefited, and the road bed or traveled track will be made better by the clearing out, widening, deepening, straightening, and constructing said ditch, drain, or water-course, apportion and set off to the county, if a county or state road; to the township, if a township



road; to the company, if a corporate or railroad, a part of the costs of constructing said improvement, the same as to private individuals, according to the provisions of this act, and compel them to pay said costs of construction in like manner.

SEC. 10. If application for compensation or damages shall have been made agreeably to the third section of this act, the commissioners shall fix a day on which they will meet and determine, upon actual view of the premises, the amount of compensation or damage to be paid to such applicant, and also a day when they will make their report. After the report of said commissioners shall have been made, the petitioners may discontinue the said proceedings, by paying all costs that have been accrued up to that time, and notifying the auditor, in writing, that they will not further prosecute the same; but no proceeding shall be discontinued unless the notice thereof shall be signed by a majority of the petitioners for said ditch.

SEC. 11. If any person shall feel aggrieved by the action of said commissioners, in the assessment of damages or compensation, they may, within fifteen days from the making of said report, appeal from the decision of the commissioners to the probate court of the county, by giving an undertaking with good and sufficient sureties, to be approved by the auditor, conditioned to pay all costs on such appeal; if the appellants shall fail to sustain their appeal against the decision of the commissioners, and such undertaking having been given, the auditor shall forthwith certify to the probate court a copy of said appeal, together with a description of the property taken, or injured, as contained in the report of the commissioners, which shall be docketed in said court, styling the appellant plaintiff, and the commissioners defendant.

SEC. 12. If the appeal be taken on account of damages or compensation allowed by the commissioners, such proceeding shall be had to determine the amount as are required by the act entitled "an act to provide for the compensation and damages to private property, appropriated to the use of corporations," passed April 30, 1852, and the acts amendatory thereof and supplementary thereto, and the compensation or damages found in favor of said claimant shall be certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund.

SEC. 13. All acts and parts of acts and provisions of law now in force relating to the construction, clearing out, widening, or otherwise improving any ditch, drain or water-course, that are inconsistent, or in any way conflict with the provisions of this act, shall be held to be inoperative and of non-effect in any proceedings had by and under the provisions of this act.

SEC. 14. That the collection of taxes levied, or ordered to be levied, to pay for the location, establishment and construction of any ditch, drain, or water-course, to be straightened, widened, deepened or otherwise improved under and by authority of this act, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners, in the location or establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which such ditch, drain or outlet shall have been located and established. But the court in which any proceeding may hereafter be brought to revise, or to declare void the proceedings by which such ditch, drain or outlet has been located or established, or to enjoin the tax levied or to be

levied, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on the application of either party, appoint such person or persons to examine the premises, or survey the same, or both, as may be deemed necessary; and the court shall, on final hearing, make such order in the premises as shall be just and equitable, and may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable, to be refunded. The costs of such proceedings to be apportioned among the parties, or paid out of the county treasury, as justice may require.

SEC. 15. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

To create a special school district in Sycamore township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the territory comprised in sub-district number ten (10), in Sycamore township, Hamilton county, Ohio, be and is hereby created and declared a special school district, to be known as Evendale special school district: provided, however, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election to be held in the manner following:

SEC. 2. That written notices shall be posted in three of the most public places in said territory, signed by at least six resident electors of said territory, requesting the qualified electors thereof to assemble on a day, at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least three hours, and shall not close before four o'clock P.M. The electors in favor of said special school district shall have written or printed upon their ballots "special school district, yes," and those opposed thereto, "special school district, no," and a majority of the ballots so cast shall determine the question, whether or not the said proposed special school district shall be created.

SEC. 3. That should a majority of the ballots so cast at said election be found to favor the special school district as aforesaid, the directors now in office in said sub-district, shall be the members of the board of education of said special school district, each of said members to serve till the expiration of the time for which he was elected director aforesaid; and at each annual election after the passage of this act, there shall be elected one member of said board of education, who shall hold his office for three years, or until his successor is elected and qualified.

**SEC. 4.** That the said special school district shall be entitled to all the school property within said territory, and the title thereto is hereby vested in the board of education of said special school district; and the said special school district shall receive the same amount of school funds, either now collected or now levied, to be collected within the current school year, as the said special district would be entitled to if it had continued to exist as said sub district.

**SEC. 5.** That said special district shall be governed by such laws as now are or hereafter may be in force relating to special school districts.

**SEC. 6.** That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 19, 1877.

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#### AN ACT

To enable the trustees of the "Church of United Brethren in Christ," in Green township, Hocking county, state of Ohio, to sell and convey certain real estate.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Jeremiah Iles, D. Ruble, and Levi Durr, trustees of the United Brethren Church in Christ, in Green township, Hocking county, Ohio, be and they are hereby authorized and empowered to sell and convey in fee simple, certain real estate, to wit: Lots number five (5), six (6), and seven (7), situated in the village of Marysville, Green township, Hocking county, Ohio, to such purchaser or purchasers as said trustees may see fit; and the proceeds of such sale to be used in the payment of debts now standing against said association.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 19, 1877.

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#### AN ACT

Supplementary to act entitled "An act to provide for the straightening, clearing out, widening, deepening, and otherwise improving certain ditches, drains, and water-courses in Wood county, Ohio," passed April 11, 1876. [O. L., vol. 73, page 303.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of the above recited act shall be and the same are hereby extended to the following described ditches, drains, or water-courses: Commencing at or near the south-east corner of section number eleven (11), town four (4), range nine (9), on the east side of the Otsego free turnpike; thence running west along the south line of said section to the south quarter post of said section eleven (11); thence north to the center of said section; thence west along the half section line to the center of section ten (10), said town and range; thence north along the half section line to the north quarter post of said section; thence north-westerly across section number three (3), and the north-east corner of section number four (4), to the north line of town four (4), range nine (9); thence

west along the south side of the road about one mile, to a branch of Beaver creek; thence following said water-course through section thirty-two (32), town five (5), range nine (9), to main branch of Beaver creek; thence following down said creek until a good and sufficient outlet is obtained; also commencing at or near the north-west corner of section number twenty-five (25), town five (5), range ten (10) east; thence west-erly and in the channel of the old ditch across section twenty-six (26), and a corner of section number twenty-seven (27), and a branch to the same, commencing at or near the half quarter post south of the south-east quarter of section number twenty-seven (27), said town and range; thence in the channel of an old ditch to the east side of the old Findlay pike; thence north-westerly in channel of the old ditch, until a good and sufficient outlet is obtained; also commencing at or near the half quarter post, south of the north-east quarter of section number twenty-seven (27), town four (4), of the United States reserve; thence following the swale or natural water-course through said section to the upper end of ditch number one hundred and twenty-four (124); thence following the route as near as practicable of said ditch one hundred and twenty-four (124) and that of one hundred and twenty-five (125), until a good and sufficient outlet is obtained; also the water-courses known as Sugar creek and its branches, commencing at or near the south line of section number fourteen (14), town five (5), range nine (9), in the channel of said water-course; thence following down said channel, straightening where necessary, until a good and sufficient outlet is obtained, and the branch known as ditch two hundred and thirty-four (234), commencing in section number twenty-five (25), said town and range, at or near the Dayton and Michigan railroad; thence following down the line of said ditch until it intersects the main ditch, in section number fourteen (14), of said town and range; and also the branch commencing at or near the center of section twenty-five (25), said town and range, and thence following the channel of said branch until it intersects the main ditch in section number thirteen (13), said town and range; and also the water-course known as the east branch of Portage river, commencing at or near the south quarter post of section number thirty-six (36), town three (3), range twelve (12), in the channel of said Portage river, and thence following the general course of said river until a good and sufficient outlet is obtained: provided, that the provisions of the act to which this is supplementary, shall apply to any part or portion of the ditches, drains, or water-courses named in this section; also a ditch commencing on the west side of the old Findlay road in the north-east quarter of section fourteen (14), in township five (5), range ten (10); thence northwesterly along said road to the Maumee river, and there terminate.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

## AN ACT

To provide for the relief of the estate of Stephen Mills.

WHEREAS, By an ordinance passed by the common council of the city of Cincinnati, March 20, 1874, a special tax of \$2.78 5-9 per front foot was assessed upon all the real estate fronting upon Edwards road in said city, to pay for an improvement of the same theretofore made under and by virtue of a former ordinance of the common council of said city; and,

WHEREAS, the estate of Stephen Mills was by said ordinance assessed in the sum of \$2,381.94, on a tract of land fronting eight hundred and fifty-five feet on said Edwards road, which assessment said estate was required to and did pay on the 6th day of April, 1874, without knowledge of any defense against the same; and,

WHEREAS, Afterward, in case No. 30,672 of the superior court of Cincinnati, wherein said city, for the use of John Horton, was plaintiff, and Joseph Longworth and others were defendants, the validity of said assessment was contested by all the owners of lands assessed by said ordinance, and therein by said court it was decided that said assessment was illegal and invalid, to the extent that it was twenty-five per cent. of the value of said lands to the depth of one hundred feet from said Edwards road, and said owners and lands were relieved from payment of said assessment accordingly; and,

WHEREAS, The said sum of \$2,381.94 so assessed upon and paid by the estate of Stephen Mills was largely in excess of twenty-five per cent. of the value of said lands to the depth of one hundred feet from said Edwards road; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the city of Cincinnati be authorized and he is hereby directed and required to ascertain the amount according to said decision, so as aforesaid illegally paid by said estate, and to draw his warrant therefor, in favor of said estate, on the treasurer of said city who shall pay the same out of the general fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 19, 1877.

## AN ACT

To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds, and sell the same to pay the judgment of Martha Clafin, and costs, interest, and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, for the purpose of the payment of the judgment, interest, costs, and other expenses in and about the case of Martha Clafin, plaintiff, against the incorporated village of Ada, Hardin county, Ohio, for damages, the mayor and clerk of said village of Ada are hereby empowered to issue bonds, and sell the same in the name and for the use of said village, not exceeding in the aggregate fifteen hundred dollars, bearing interest, pay-

able semi-annually. at a rate not exceeding seven per centum per annum, in denominations not less than fifty nor more than five hundred dollars, and having such time to run, not exceeding three years.

SEC. 2. That, for the purpose of paying the said bonds, and the interest thereon as it becomes due, the council of said incorporated village is hereby authorized and empowered to levy a tax, annually, on all the taxable property in said incorporated village of Ada, in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, and eighteen hundred and seventy-nine, not exceeding four mills on the dollar in any one year, sufficient to pay such bonds and interest as they shall become due; which levy shall be placed on the tax duplicate by the auditor of said Hardin county, and shall be collected as are other taxes; and the money so raised shall not be used for any other purpose than to pay said bonds and interest: provided, such levy shall not be any reduction of the levies now provided for by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 19, 1877.

#### AN ACT

To divide the township of Perry, county of Columbiana, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Perry, in the county of Columbiana, be divided into two precincts, for election purposes, as follows:

All that part of said township lying north of the road running east and west, and through the main street of the village of Salem, dividing said township at or near the center thereof, shall be known as the North precinct; and all the part of said township lying south of said road, street, and line, shall be known as the South precinct.

SEC. 2. In all elections for state, county, township, and municipal officers, it shall be the duty of the trustees and township clerk to serve as judges and clerk in the precinct in which they reside, and the other judges and clerks for each precinct shall be duly appointed, as the law directs, by the trustees; but in case of failure so to do, the judges and clerks shall be chosen viva voce by the electors of such precinct, in such manner as is provided by law.

SEC. 3. The judges and clerks appointed by the trustees, or otherwise, shall be governed in their election returns, the charge of the ballot-boxes, and the receiving of ballots, by the provisions of the election laws in force, and shall receive for their services the same compensation as is allowed judges and clerks of election by law.

SEC. 4. It shall be the duty of the township trustees to give lawful notice of all state, county, township, and municipal elections, in both precincts, and the places where the polls shall be opened.

SEC. 5. This act shall take effect and be in force from and after the first day of May next.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 20, 1877.

# AN ACT

For the relief of Thomas Gilpin.

WHEREAS, It is claimed by Thomas Gilpin, of Cincinnati, that the late firm of Thomas Gilpin & Co., being a sub-contractor for furnishing the wood-work and material for the county infirmary recently built by the county of Hamilton, and being unwilling, owing to the insolvency of the contractor, to prepare such work and materials, because the milling involved the loss of both labor and lumber, unless used for said infirmary, said firm was, nevertheless, induced to do so by assurances of the superintendent and architect of said infirmary, duly appointed and acting under section twelve of the act relative to infirmary buildings (66 O. L., p. 56), during the preparation of such materials, that there was money in the treasury applicable to the purpose; and,

WHEREAS, The said Thomas Gilpin & Co., relying upon such assurances and the withholding payment to the contractor until the time for the delivery of such materials, prepared and delivered the wood-work at the infirmary, and then, for the first time, ascertained that, in the meantime, the county commissioners, through mistake, had paid the contractor in full for said wood-work and materials, and suffered him to overdraw his account, thus depriving Gilpin & Co. of all remedy against the county funds; and,

WHEREAS, It has been judiciously determined that said county is not legally liable for such representations of its officers, but it has received and is now enjoying the benefits of said work and materials; and, further, that Thomas Gilpin is the sole representative of said late firm, and is the one who sustained the loss in question; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the said claim may be submitted by the said Thomas Gilpin to the commissioners of Hamilton county, to be by them adjusted and settled upon just and equitable principles; and said commissioners, if satisfied that said county has had the use and benefit of such work and materials in said building, and that said Gilpin has lost the same as aforesaid, are authorized and directed to pay, or cause him to be paid, out of any funds in the treasury of said county, not otherwise appropriated, what is equitably due therefor; and the treasurer of said county is hereby authorized and directed to pay the same accordingly.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem. of the Senate.*

Passed April 20, 1877. •

## AN ACT

To authorize the town council of the incorporated village of Dennison, Tuscarawas county, to levy a tax to build a mayor's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Dennison be and the same is hereby authorized, for the purpose of raising money for the erection of a mayor's office in said village, to issue and sell the bonds of said village, not to exceed five hundred dollars, in such denominations as the council may determine, said bonds to be signed by the mayor and clerk of said village, payable at such time as said council may determine, bearing a rate of interest not exceeding eight per cent., and not to be sold, in any event, for less than their par value.

SEC. 2. That for the purpose of paying said bonds, and the interest thereon, as the same becomes due, said council is hereby authorized to levy a tax on the taxable property of said village, in addition to the tax now authorized by law, not exceeding two mills on the dollar in any one year; and the money so raised shall not be used for any other purpose than for the payment of said bonds and interest.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

## AN ACT

For the relief of William Vandoren, treasurer of Washington township, Warren county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* William Vandoren, treasurer of Washington township, Warren county, be and is hereby released from the payment and liability of the township and school funds, to the amount of \$2,937.92, being the amount deposited in Boak and Hunt's bank, which has failed:

Provided, that at some regular election held in said township, as the trustees of said township may determine, they shall submit the question to the qualified voters of said township, as to the release of said treasurer from said payment and liability, after having given thirty days' notice of said submission, by posting up written or printed notices in ten of the most public places in said township, and that a majority of said voters shall vote for the release of said treasurer: provided further, that the said treasurer shall assign to the said trustees, all accounts and evidences of indebtedness owned or held by him against the said Boak and Hunt, or either of them.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.



## AN ACT

To authorize the auditor of Washington county, to refund taxes erroneously paid by F. Boye.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Washington county, in said state, be directed to inquire into the claim of F. Boye, of said county, for taxes erroneously paid into the treasury thereof, to the amount not to exceed two hundred dollars, and if, upon investigation, he shall be satisfied that said sum, or less, was erroneously paid by him as aforesaid, that then said auditor is hereby authorized and directed to draw an order on the treasury for the sum that said F. Boye may have erroneously paid, not to exceed two hundred dollars, without including interest, and the said treasurer shall pay the amount of said order out of any unexpended funds in said county treasury; and at the next annual settlement occurring after the payment of said amount, the auditor shall deduct from the several funds their proportional amount of the sum thus paid on his order.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

## AN ACT

To authorize the commissioners of Scioto county, to purchase toll road and levy tax to pay for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county, are hereby authorized to purchase that portion of the Portsmouth and Columbus turnpike lying and being in Scioto county, whenever in their judgment they can do so at a reasonable price.

SEC. 2. The said county commissioners are empowered to levy a tax upon all the taxable property of Scioto county, not to exceed four mills to the dollar in any one year, said tax to be levied from year to year until a sufficient sum is thereby collected to pay for said road.

SEC. 3. When said road shall have been purchased by said commissioners, it shall become a free turnpike, and shall be kept in repair by the commissioners, and be controlled in all respects as other free turnpikes of the county.

SEC. 4. Provided, that the question of levying the tax provided for in section two of this act, shall be submitted to the qualified voters of said county, at some general election when state and county officers are to be elected, the sheriff issuing his proclamation as is provided by law for other elections, setting forth plainly the question to be voted upon; and those favoring the purchase of said road, and the levy of said tax, shall have written or printed upon their ballots, "For turnpike road," and those opposing the purchase of said road, and the making of said levy, shall have printed or written upon their ballots, "Against turnpike road;" and if a majority of all the voters voting at said election shall be

found in favor of said proposition, then the commissioners shall proceed to carry out the provisions of this act, or so soon thereafter as they can purchase said road at its true value.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

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#### AN ACT

To repeal an act entitled "An act to incorporate school district number one, in York and Clinton townships, Fulton county (O. L., vol. 49, p. 571).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the above recited act be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

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#### AN ACT

To create a special school district in school districts number six and seven, in Norwich township, Franklin county, Ohio, and school districts number four and five, in Brown township, in said county, and school district number two, in Prairie township, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the territory in Norwich, Brown and Prairie townships, Franklin county, described as follows: Commencing at Orin Clover's north-west corner of his farm; thence south along his west line to Alexander Mack's farm; thence to Alexander Mack's south-west corner; thence continuing along his south line to George Grier's south line, continuing along said line to Dot's south-west corner; thence to Dot's south-east corner; north along said east line to Andy Romer's farm; around said farm to Orin Clover's east line; thence north to Thomas O'Harra's north-east corner; thence west along said line to Orin Clover's farm and the place of beginning, be and the same is hereby declared to be and constitute a special school district, to be known as the Clover school district.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
SAMUEL KNOX,  
*President pro tem. of the Senate.*

Passed April 21, 1877.

## AN ACT

To authorize the city council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Lancaster, Ohio, is hereby authorized and empowered to borrow a sum of money not to exceed twenty-five thousand dollars, at a rate of interest not to exceed eight per cent. per annum, payable semi-annually, for the purpose of paying the present indebtedness of said city.

SEC. 2. That the city council of said city is, for the purpose aforesaid, empowered to issue the bonds of said city, to be signed by the mayor and countersigned by the clerk of said city, in sums of not less than one hundred dollars, nor more than one thousand dollars; five thousand dollars of said bonds to fall due May 1, 1882, and the like sum every year thereafter until the whole amount shall be paid.

SEC. 3. That for the purpose of paying the interest on said bonds and the principal thereof, as the same become due, the city council of said city is hereby authorized and required to levy each year, a tax, in addition to the taxes now authorized by law, sufficient to pay said bonds and interest as the same become due, and to be collected as other taxes.

SEC. 4. That said bonds shall not be sold for less than their par value, and the proceeds thereof shall be used for no other purpose than paying the debts and bonds now outstanding.

SEC. 5. This act shall take effect and be in force from and after May 1, 1877.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory embraced in sub-school district number four, in Harrison township, Scioto county, Ohio, be and the same is hereby declared to be a special school district, to be known by the name of Harrisonville special school district: provided, that a majority of the electors residing within said territory, shall vote in favor of said special school district, at an election, written or printed notices of which, signed by six resident electors of said sub-district, shall have been posted at least ten days, in three of the most public places in said territory, notifying the qualified electors thereof to assemble, on a day and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district.

SEC. 2. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock in the afternoon; and the ballots used

shall have written or printed thereon the words, "For special school district," or, "Against special school district," and the majority of the ballots so cast shall determine whether or not said special school district shall be created.

SEC. 3. Should a majority of the ballots at said election be found in favor of the creation of said special school district, then said electors shall proceed to elect three members of the board of education, one for one year, one for two years, and one for three years, and until their successors are elected and qualified.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

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#### AN ACT

Defining the jurisdiction of the probate court in the county of Mahoning, in minor criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "an act defining the jurisdiction of probate courts, in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorrain, Coshocton and Columbiana," passed April 4, 1859, and all acts supplementary thereto and amendatory thereof, be and the same are hereby extended to the county of Mahoning.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

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#### AN ACT

To authorize the commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness.

WHEREAS, In the year 1852, by virtue of a vote had in eight townships of Miami county, to wit: The townships of Bethel, Elizabeth, Lost Creek, Staunton, Concord, Monroe, Newton and Union, sixty thousand dollars of stock was subscribed to the Dayton and Michigan railroad, and sixty bonds of said county of \$1,000 each were issued therefor, running twenty years, bearing seven per cent. interest, payable annually, and due in the year 1872; and,

WHEREAS, By taxes levied and collected from said eight townships of said county, and by the sale of said stock as held by same, fifty-nine of said bonds, and the interest thereon, were, on presentation, paid by order

of the commissioners of said county, leaving one of said bonds unpaid, upon which no interest has been paid since 1857, and of which nothing had been heard or could be learned at the time of the payment of the others, and therefore assuming it to be lost or destroyed, the balance of said fund remaining in the county treasury, was, by virtue of a special act passed March 7, 1873 (O. L., vol. 70, page 331), ordering the commissioners so to do, distributed pro rata to the several townships and incorporated villages from which the same was collected; and,

WHEREAS, Said bond of \$1,000 has now been presented for payment, with interest since 1857; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Miami county are hereby authorized to make a special levy in the year 1877, on the townships of Bethel, Elizabeth, Lost Creek, Staunton, Concord, Monroe, Newton and Union, and the incorporated villages of Casstown, Pleasant Hill, Milton, Tippecanoe and Troy, pro rata as the aforementioned balance was distributed to them severally, of an amount sufficient to pay said bond, with the interest thereon.

SEC. 2. That the auditor of the county shall draw his warrant on the treasurer of the county, to the several townships and incorporated villages, for any unexpended balance (after the payment of said bond and interest) that may remain in the treasury arising from the levy so made, and collected from them respectively, which amounts so paid may be used by the several township trustees and village councils, at their discretion, for any purpose now provided for by law.

SEC. 3. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To authorize the council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Berea, Cuyahoga county, state of Ohio, be and are hereby authorized to permanently transfer from the general fund of said village, the sum of one thousand dollars, "belonging to the general fund," to the road fund, including so much of said money as has been already expended on the public roads of said village, in manner and form as the laws of this state direct. The road fund to be expended shall be held and considered to have been expended according to law.

And also to transfer, permanently, two hundred dollars "belonging to the fire fund," to the bridge fund.

SEC. 2. This act to be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To create two separate election precincts in Kirkwood township, Belmont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* all the sections in the township of Kirkwood, Belmont county, except sections number seventeen, eighteen, twenty-two, twenty-three, twenty-four, twenty-eight, twenty-nine, thirty, thirty-four, thirty-five, and thirty-six, be and the same shall constitute a separate election precinct, and shall be known as the "Hendreysburg voting precinct." The above named sections shall constitute a separate election precinct, and shall be known as the "Sewellsville voting precinct."

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To authorize the trustees of Slankerville church union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of the Slankerville church union of Chippewa township, in Wayne county, be and they are hereby authorized to sell to best advantage the lot of land now owned by said church union, in the west half of the south-west quarter of section number seventeen (17), township number eighteen (18), and range number eleven (11), in Wayne county and state of Ohio.

SEC. 2. That said trustees be also required to buy, to the best advantage at private sale, another tract or lot of land at a greater distance from the railroad, upon which to erect a house of worship.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* sections eleven and five of Beaver Creek township, Greene county, shall constitute a sub-school district, and shall be entitled to all the school property belonging thereto, to be governed by the school laws applicable to sub-school districts.

SEC. 2. That it shall be the duty of the township clerk of said township, within ten days after being notified of the passage of this act, to

cause to be posted, in at least five conspicuous places within said district, a notice, in the usual form, notifying the voters of said sub-school district of an election for three school directors, who shall hold their office as follows: One for one year, one for two years, and one for three years from the third Monday of April, 1877, and until their successors are elected and qualified in accordance with section twenty-seven of "an act for the reorganization and maintenance of common schools," passed May 1, 1873, which notice shall be posted at least ten days previous to the holding of said election.

SEC. 3. That it shall be the duty of the board of education of said township to purchase a site, and cause to be erected thereon a school house sufficiently large to accommodate the wants of said sub school district.

SEC. 4. That to enable said board of education to fully carry out the provisions of section three of this act, they may issue bonds and borrow money thereon, in any amount not to exceed two thousand dollars, said bonds bearing interest at a rate not exceeding eight per centum per annum.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

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#### AN ACT

To authorize the commissioners of Brown county, to levy an additional tax for the payment of county expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Brown county, be and they are hereby authorized to levy a tax for the years 1877 and 1878, not exceeding one mill on the dollar annually, on all the taxable property of said county, in addition to the levy now authorized by law for the purpose of paying the indebtedness of said county, and to be expended for no other purpose; provided, that said county commissioners shall make the additional levy authorized by this act at their June session in the years 1877 and 1878.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

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#### AN ACT

Supplementary to an act entitled "An act to authorize the city council of the city of Hamilton to fill up a part of the canal basin in said city," passed April 27, 1872 (vol. 69 O. L., 271), and an act supplementary to said act passed April 6, 1876 (vol. 73 O. L., 275).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Hamilton, is hereby authorized to fill up

and remove the banks of as much of the canal basin in said city as lies west of the line where Eleventh street, as laid out on the north side of said basin, would cross the same, if extended, and east of the line where Eleventh street, as laid out on the south side of said basin, would cross the same, if extended: provided, however, that the said city of Hamilton shall be liable for all legal damages to property which may be occasioned thereby, and also all legal damages that may be sustained by the lessees of the public works by reason of the said filling up and removal, to be ascertained as hereinafter provided; and provided further, that the state of Ohio shall not be liable to pay any expense, cost, or damage, arising from the filling up of said canal basin, or removal of its banks, but the same shall be paid by the said city of Hamilton; and provided further, that no vote shall be required of the qualified voters of said city approving said measure.

SEC. 2. That whenever the city council of Hamilton may, by resolution or ordinance, provide for the filling up of said portion of the canal basin, and removal of said banks, said city council shall make known their decision to the governor of the state of Ohio, and shall deposit with the governor a bond duly executed, and to the satisfaction of the governor, indemnifying the state from all liabilities and damages which may result from filling up said basin or removal of said banks, said bonds to be prepared by the attorney general of the state.

SEC. 3. That the city council shall give thirty days' notice of their determination to fill up said basin and remove said banks, by publication in at least two newspapers published and of general circulation in said county of Butler, and any person or persons, or the lessees of the public works, claiming damages by reason of the proposed filling up of said canal basin or removal of said banks, shall, within fifteen days after said publication, present to the said city council a written application, setting forth distinctly the grounds upon which said damages were claimed, and the amount thereof.

SEC. 4. That if any such damages are claimed within said period, on application of said city council to the judge of the court of common pleas of Butler county, he shall appoint three judicious, disinterested freeholders of said county, who shall be commissioners, and whose duty it shall be to ascertain and determine the amount of damages, if any, which each claimant may be subjected to by reason of said improvement.

Said commissioners shall be first duly sworn faithfully and impartially to discharge the duties of their office. They shall examine such witnesses, under oath, as either the claimants or said city council may call before them. They shall make personal examination of the premises alleged to be damaged, and shall, within twenty days after their appointment, make to the city council a written report of their conclusions in each case; and the said city shall have thirty days after the said final assessment of said damages, in which to pay the same or decline so to do, in which latter case the city shall be considered as abandoning said filling up; provided, that the failure of any person or persons, or of said lessees of the public works, to make said application for damages within the time herein limited, shall be held to be a waiver of any such claim.

SEC. 5. That the said city, or any claimant of damages (including said lessees of the public works), may appeal from the decision of said commissioners to the court of common pleas of said county, which appeal shall be effectual by the appellant, within ten days after the filing of said



report with the city clerk, giving to the opposite party an undertaking, with sureties, to be approved by and filed with the clerk of said court, in the sum of two hundred dollars, conditioned to pay all costs that may be by said court awarded against said appellant on said appeal; and on filing such an undertaking with the clerk of said court, and notice thereof being given to said city clerk, the said city clerk shall forthwith make and certify to said court a copy of so much of said report as relates to such claim, and said court shall, as early as practicable, hear and determine the question between the parties, without further pleadings, either party being entitled to have the question of damages submitted to trial by a jury on such appeal; and the costs incurred on such appeal shall be by the court assessed as equity may require.

SEC. 6. This act to take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the territory embraced within and described by the following boundaries, to wit: beginning at a point in Philo Burnham's line, where the Union county line crosses the same; thence westerly with the line of Philo Burnham and Olive P. Moulton, to the pike; thence with said Olive P. Moulton's and Nellie Howard's line, to Lucy Busser's corner; thence with their line, to T. M. Kimball's line; thence across T. M. Kimball's land, to the corner of lands owned by heirs of O. Fairchild; thence with their line and T. M. Kimball's line, to the Mechanicsburg and Lewisburg pike; thence across T. M. Kimball's land, to corner of lands owned by A. P. Howard and Elias Smith's heirs, in T. M. Kimball's line; thence with A. P. Howard's and Elias Smith's heirs' line, to A. P. Howard's corner; thence across land owned by Elias Smith's heirs, to J. D. Taylor's corner; thence with the line of J. D. Taylor and heirs of Elias Smith, to the Urbana pike; thence with said pike to A. J. Smith's and D. C. Corbet's corner; thence with the line of said A. J. Smith, D. C. Corbet, and Azro Smith, to W. B. Taylor's corner; thence with W. B. Taylor's, A. Smith's, A. J. Smith's, and George McDonald's lines, to T. M. Kimball's and Gorge McDonald's lines, to T. M. Kimball's line; thence with Taylor's and Kimball's line, to the Mingo pike; thence with Taylor's and Hewling's line, to Hewling's corner; thence with J. G. Hewling's, J. Lease's and John Hunter's lines, to the upper Lewisburg pike; thence with the lines of J. D. Cranstor, Edward Cranstor, John B. Cranstor and E. M. Smith, to the corner of lands owned by M. J. Lapham and Martin, on the Mechanicsburg and Lewisburg pike; thence with the line of J. D. Cranstor and Martin, to J. D. Cranstor's corner, near Woodstock and Darby pike; thence across Martin's land, in a south-easterly direction, to E. Martin's and A. P. Howard's corner, in James A. Leonard's line; thence east to the Union county line; thence with said Union county line to the place of begin-*

ning, being what is now known as sub-district number three, including the village of Woodstock, and territory immediately adjacent thereto, in Rush township, Champaign county, Ohio, be and the same is hereby created and declared a special school district: provided, that a majority of the electors residing within said territory, shall vote in favor of said special school district, at an election, printed or written notices of which, signed by at least six resident electors of said sub-district, shall have been posted at least ten days in five of the most public places in said territory, requesting the qualified electors thereof to assemble, on a day, and at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district.

SEC. 2. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock P.M.; and the ballots used shall have printed or written thereon the words, "Special school district—yes," or, "Special school district—no;" and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots cast at said election be found in favor of a special school district, as aforesaid, the electors of the special district so created, shall at once proceed, without further notice, to complete an organization as provided by law; and the said special school district shall be known as the "Woodstock special school district," and shall be entitled to all moneys on hand and levied for the use of sub-district number three, of Rush township, Champaign county, Ohio; and said Woodstock special school district shall be entitled to their equitable proportion of all moneys arising from the sale of the present school property in said sub-district number three.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To authorize the incorporated village of Monroeville, in Huron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, construction of cisterns, and erection of an engine-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Monroeville, in Huron county, be and it is hereby authorized to borrow not to exceed eight thousand dollars in the aggregate, to be applied only to the purchase of a fire engine and apparatus, the construction of cisterns, and erection of an engine-house; and for this purpose to issue the bonds of said village, payable in not more than ten years, at the discretion of said council, and bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually; which bonds shall be signed by the mayor and countersigned by the clerk of said village: provided, that said bonds shall not be disposed of at less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same may become due, said council is hereby authorized to levy a tax upon all the taxable property within said village from year to year, not exceeding in any one year five mills on a dollar over and above the levy now authorized by law, which shall be certified to the auditor of Huron county, and collected as other taxes.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

#### AN ACT

To authorize the commissioners of Lawrence county to build a bridge across Ice creek, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lawrence county be and they are hereby authorized to build a new bridge across Ice creek, on or near the present site, on the road leading from Ironton to Coal Grove, in Lawrence county, and to make approaches thereto; and for the purpose of constructing said bridge and making said approaches, said commissioners shall be empowered, annually, during the years 1877, 1878, 1879, and 1880, at their June sessions of each of said years, to levy a tax not exceeding six-tenths of one mill on the dollar, for the years 1877, 1878, 1879, and 1880, in addition to levies for road and bridge purposes now authorized by law, upon all the taxable property of said county, to be expended under their direction and control in constructing said bridge and making said approaches.

SEC. 2. That the said commissioners of Lawrence county be and they are hereby authorized to issue the bonds of said county, in anticipation of the collection of the taxes hereby authorized to be levied, for the purpose of rebuilding said bridge, at a rate of interest not exceeding eight per cent. per annum; such interest shall be paid semi-annually from the date thereof at the county treasury, and the principal shall be paid at said treasury, at such times as the commissioners may prescribe, within four years from the first day of September, 1877: provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, and shall be issued in sums of not less than one hundred dollars, nor more than one thousand dollars, each payable to bearer at the county treasury, with interest as aforesaid, at such times, not exceeding four years from the date thereof, as the commissioners may prescribe; such bonds shall specify the object for which they were issued.

SEC. 4. That the interest accruing on said bonds shall be paid out of the road and bridge fund of said county.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the territory now comprised in all of section twenty-three, range eighteen, township thirteen; also, the north-east quarter of section twenty-two, range eighteen, township thirteen; also, the north half of the north-west quarter, and the north half of the north-east quarter of section twenty-six, range eighteen, township thirteen, including the village of Millville, Goodhope township, Hocking county, Ohio, be and the same is hereby created and declared to constitute a special school district for school purposes: provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted for ten days in three of the most public places in said territory, signed by at least six resident electors of said proposed special district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district. The electors, assembled at the time and place designated in said notice, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P.M. The electors in favor of the proposed special school district shall write or print upon their ballots, "Special school district," and those opposed thereto, "No special school district," and a majority of the ballots so cast shall determine the question whether or not the said special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members of the board of education, one for one year, one for two years, and one for three years from the third Monday of April next thereafter, who shall hold their offices for the terms specified, and until their successors are elected and qualified; that the special school district shall be entitled to all the school property within such territory, and the title thereto is hereby vested in the board of education of said special school district.

SEC. 4. The said special school district shall be entitled to and receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1875 of children who are entitled to attend schools; said funds being those now collected or already levied and not collected within the county or township treasury.

SEC. 5. Said district shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 6. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 24, 1877.

## AN ACT

For the relief of Joseph McIlvane, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties.

WHEREAS, Joseph McIlvane, treasurer of said Scio special school district, was, on the evening of the twenty-ninth day of March, A.D. 1877, assaulted by two unknown men, knocked down and robbed, on the railroad track between his residence and the village of Scio, Harrison county, Ohio, whither he was going for the purpose of paying out money to teachers and others, of the sum of five hundred and twenty-five dollars of the public money belonging to said special school district in the hands of said treasurer; and,

WHEREAS, Said robbery was not due to any fault or negligence on the part of said Joseph McIlvane; and,

WHEREAS, Said Joseph McIlvane is wholly unable to pay said amount, and has no property out of which any part thereof can be made; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of said Scio special school district are hereby authorized to assess a tax upon all the taxable property of said special school district, in addition to the tax now authorized by law, sufficient to raise the sum of five hundred and twenty-five dollars, for the purpose of supplying the deficiency in said school fund.

SEC. 2. The board of education of said special school district are hereby authorized to settle with said treasurer, and release him and his sureties on his official bond as treasurer of said special school district, from the payment of said sum of five hundred and twenty-five dollars, stolen as aforesaid; and that said treasurer and his sureties shall not hereafter be held liable for the payment of said money: provided, that before such release shall be had, the board of education shall submit the question to the qualified electors of said school district, at a special election, of which ten days' notice shall be given, by posting up written or printed notices in five of the most public places in said district, and that a majority voting shall favor the release, the election to be held and conducted by the board of education.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 24, 1877.

## AN ACT

To authorize the commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county be and they are hereby authorized and directed to levy, at their June session in A.D. 1877, a special tax not to exceed the amount of the estimate of the engineer, as hereinafter provided, for the purpose of building, grading and graveling, or macadam-

izing the road, from south High street, in the city of Coumbus, along the Green Lawn avenue road, to its terminus in the old Chillicothe road.

SEC. 2. The said commissioners shall cause a survey and estimate of said road to be made by some competent civil engineer; and the letting for said improvement provided for in section one, shall not exceed the amount of such estimate, after all expenses are paid; and the commissioners in these proceedings shall be governed by the laws now in force, so far as they may be applicable, relating to the duties of county commissioners in regard to free turnpike roads.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 26, 1877.

#### AN ACT

To authorize the commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's Ford, in said county, and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pickaway county, be and they are hereby authorized to build a free bridge, at or near the ford known as Mackey's Ford, in said county, and, if they deem the same expedient, to levy a tax for that purpose on all the taxable property within the limits of said county, in addition to the other levies authorized by law; said tax to be levied in equal amounts in one or more successive years, at the discretion of said commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 26, 1877.

#### AN ACT

To authorize the city of Dayton to build and maintain stationary bridges across the Mad river feeder of the Miami and Erie canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Dayton shall be and is hereby authorized to build and maintain stationary bridges, at any height above high water level, across the Mad river feeder of the Miami and Erie canal, at any point thereon between the western line of Wayne street and the bridge of the Atlantic and Great Western railway, across said feeder.

SEC. 2 Said portion of said feeder shall be kept open and in repair, and the flow of water therein shall not, in any manner, be diminished,

obstructed or impeded, and said city shall forever maintain the banks of said part of said feeder in good condition, and shall remove the sediment which may be deposited in the same.

SEC. 3. The city council of said city may grant, upon such terms as may be deemed equitable, to any railroad company or companies, the privilege to build similar bridges and other structures across said part of said feeder; but no such bridge or structure shall be built without authority therefor first obtained from said city council.

SEC. 4. Said bridges shall not be built until the board of public works shall have consented thereto, nor until the written consent of the lessees of the public works thereto shall have been first obtained by said city, and filed in the office of the board of public works, or until said city shall have appropriated the right of said lessees to navigate the same, nor shall any such bridge be built until the written consent of owners of property abutting on any part of such feeder, which would be closed to navigation by the building thereof, shall have been in like manner obtained and filed, or until said city shall have appropriated any right which such owners may have to the use of such portion of said feeder for navigable purposes. Authority is hereby granted to any city of the second class to make such appropriations, by proceedings to be instituted and carried on in the manner provided for the appropriation of property in the "act to provide for the organization and government of municipal corporations," passed May 7, 1869, and the amendments thereto, so far as the same are applicable.

SEC. 5. Nothing in this act, or in the exercise of any privilege authorized thereby, shall be held to create or work a forfeiture or reversion of any land heretofore dedicated to any public use.

SEC. 6. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 26, 1877.

#### AN ACT

To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of the township of Jefferson, in the county of Ashtabula, and the village council of the incorporated village of Jefferson, in said county, are hereby authorized to unite in building a town hall, upon land to be purchased or appropriated for that purpose, within the limits of said village, which hall shall not cost to exceed the sum of twelve thousand dollars.*

SEC. 2. Before said land shall be purchased or appropriated, and said town hall built, the said trustees and said council shall have a joint meeting at the usual place of meeting said council, which joint meeting shall consist of all said trustees, and all of the members of said council, and the mayor of said village shall preside at said joint meeting; and such a joint meeting may be called at any time after the passage of this act, upon the written notice of the clerk of said village, served upon each of said trustees and members of said council, at least one day previous to

such meeting. If, at said joint meeting, a resolution shall be adopted by a unanimous vote of the members of said joint meeting, authorizing the purchase or appropriation of land and the building thereon of a town hall, then public notice shall be given by publication and by written notices posted up in five of the most public places in said township outside of said village, in which there shall be stated the cost of said town hall, for at least thirty days, which notice shall specify the object sought, and shall call upon the voters of said township and village of Jefferson to meet at the usual place for holding state elections in said township, and to vote upon the question of whether said town hall shall be built or not. Said notice shall specify the day on which said vote shall be taken. At said election, all persons who are authorized by law to vote for township trustees in said township, may vote. Said election shall be presided over by the judges of election in said township, or, in their absence, by electors to be chosen as judges in their stead by the bystanders, the same as at township elections; and a separate ballot-box shall be provided for the purpose, and a list of the voters who deposit their ballots in said box, shall be kept by the township and village clerks, and the polls shall be opened for receiving said votes between the hours of eight o'clock A.M. and ten o'clock A.M., and shall be closed at six o'clock P.M. Those who vote in the affirmative of said proposition, shall have written or printed upon their ballots the words, "For town hall, yes;" and all ballots deposited in said box which do not contain said words, shall be counted in the negative, and a three-fifths majority of all votes so deposited must contain those words before said proposition shall be decided to be carried.

Sec. 3. If said proposition shall be carried in the affirmative, then said land, not to exceed in quantity one acre, may be purchased or appropriated, and said town hall built in such manner as said joint body, provided for in section two of this act, shall determine, at a cost for said town hall not to exceed the sum of twelve thousand dollars.

Sec. 4. For the purpose of paying for said land and said town hall, the trustees of said township are hereby authorized and required to issue their bonds, to be signed by at least a majority of said trustees, in their official capacity, which bonds may be made payable in one, two, three, four, five, and six years from their date, if so determined upon by said trustees, and shall draw interest at a rate not to exceed eight per cent., payable annually, and which bonds shall not be disposed of at less than their par value.

Sec. 5. For the purpose of meeting the payment of said bonds, and the interest annually accruing thereon, the said trustees are authorized and required to levy, upon all the taxable property in said township and village, such an annual rate of tax as will meet the bonds and interest falling due in that year, which tax shall be laid and collected in the same manner as other township taxes, and, when so collected, shall pass into the hands of the township treasurer, and shall be paid out only by direction of the trustees, upon orders to be drawn by the clerk of said township, which order shall specify the amount to be drawn, the purpose for which drawn, and the fund upon which it is drawn.

Sec. 6. In case it shall be deemed necessary by said joint body, provided for in section two, to appropriate land for said town hall, then such appropriation shall be made in the name of said township, under the act or acts then in force providing and prescribing the mode of assessment and collection of compensation to the owners of private prop-



erty appropriated by and to the use of corporations, and the title to all property purchased or appropriated, shall vest in said township, and said town hall, when built, shall be under the control of the joint body named in section two.

SEC. 7. Whenever a vote has been carried to build said town hall, as provided in section two, then the trustees of said township are hereby authorized to sell and convey, in fee simple, by a good and sufficient deed, the present town hall, and the land on which the same stands, and to invest the proceeds thereof in said town hall to be built under the provisions of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 26, 1877.

#### AN ACT

To authorize the election of one additional judge of the court of common pleas, in the third subdivision of the sixth judicial district of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be one additional judge of the court of common pleas in and for the sixth judicial district of the state of Ohio, who shall be a resident of the third subdivision thereof, and who shall be elected by the qualified electors of the counties of Wayne, Holmes, and Coshocton, comprising said third subdivision.

SEC. 2. That the first election for said additional judge shall be held at the annual election therein for state officers, on the second Tuesday in October, A.D. 1877, and his term of office shall commence on the first Monday of February thereafter; and such additional judge shall thereafter be elected at the annual election in October, A.D. 1882, and every five years thereafter, in the same manner, and for the same term of office, as is prescribed by the constitution and laws of the state of Ohio, for the election of other judges of said court.

SEC. 3. That it shall be the duty of the sheriff in each county in said subdivision, at least fifteen days prior to the said second Tuesday in October, A.D. 1877, to give notice, by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted, and the returns thereof made in the same manner as required by law in case of the election of judges of the court of common pleas.

SEC. 4. That said judge, when elected and qualified, shall receive the same compensation as other judges of said court, and shall, also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties, as are now, or may hereafter be enforced or enjoined by the constitution and laws of the state of Ohio, upon other judges of said court.

SEC. 5. That when a vacancy shall occur in the office of said addi-

tional judge, whether by the expiration of his term of office, or otherwise, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

Sec. 6. This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 26, 1877.

#### AN ACT

To create a special school district of certain territory in York township, Morgan county, and Bearfield township, Perry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the following described territory in York township, Morgan county, to wit: Beginning in the south line of section thirty-five (35), range fourteen (14), town fourteen (14), forty (40) rods east of the south-west corner of the south east quarter of said section thirty-five (35); thence north to the north line of said south-east quarter; thence west forty (40) rods to the center of the said section; thence north to the center of section twenty-six (26); thence east to the east line of said section twenty-six (26); thence north ninety-nine (99) rods; thence east to the north-east corner of John Shipton's land; thence southerly along the east line of said Shipton's land, to the south line of the north-east quarter of said section twenty-five (25); thence east to the east quarter corner of said section twenty-five (25); thence south to the south-east corner of said section twenty-five (25); thence east to the north-east corner of the north-west quarter of section thirty-one (31), range thirteen (13), town ten (10); thence south to the center of said section thirty-one (31); thence west eighty (80) rods; thence south to the township line; thence west to the place of beginning; and the following described territory in Bearfield township, Perry county, to wit: The north half of section one (1), the north half of section two (2), and so much of the south-east quarter of said section two (2) as is now owned by A. P. Milligan, said sections one (1) and two (2) being in range fourteen (14), town thirteen (13), be and the same is hereby created, and declared to constitute, a special school district, under the name and style of the Deavertown school district: provided, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election, written or printed notices of which, signed by six resident electors of said sub-district, shall have been posted, at least ten days, in three of the most public places in said territory, notifying the qualified electors thereof to assemble, on a day, and at an hour and place, designated in said notices, then and there to vote for or against the creation of said special school district.

SEC. 2. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock in the afternoon; and the ballots used shall have written or printed thereon the words, "For special school district," or "Against special school district;" and the majority of the ballots so cast shall determine whether or not said special school district shall be created.

SEC. 3 Should a majority of the ballots at said election be found in favor of the creation of said special school district, then the electors of said school district shall proceed to elect three members of the board of education; one for one year, one for two years, and one for three years, from the third Monday of April, 1877, who shall hold their office for the term specified, and until their successors are elected and qualified.

SEC. 4. The said special school district shall be entitled to all the school property within its territory, and the title thereto is hereby vested in the board of education of said special school district; and the said special school district shall be entitled to and receive their proportionate share of the school funds, and the funds levied for school house and incidental expenses, in accordance with the enumeration of 1876, of children who are entitled to attend school, said funds being those now collected, or already levied and not collected, within the counties or townships, for the year 1876.

SEC. 5. The said special school district shall be governed, in all respects, by such laws as are or may hereafter be in force relating to special school districts.

SEC. 6. This act shall take effect, and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To authorize the trustees of Jefferson township, Richland county, Ohio, to join with the council of the incorporated village of Bellville, in the construction of a town hall for the joint use of said township and village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Jefferson, Richland county, Ohio, and the council of the incorporated village of Bellville, be and they are hereby authorized to join in the purchase of grounds for the construction of a town hall in the said village of Bellville, for the joint use of said township, village, and the election precinct in which said village is situated, in such manner as the said trustees and council shall agree and stipulate in regard to such joint occupancy.

SEC. 2. That said trustees and village council, be and they are hereby authorized, for the purpose of building said town hall in said village, to issue bonds of said township, in sums not less than fifty or more than one hundred dollars each, bearing seven per cent. interest, payable semi-annually, which bonds shall be made payable in one, two, three, four, five, six, seven, and eight years from date, in equal semi-annual installments: provided, that said bonds shall not be disposed of for less than their par value; said bonds to be signed by the said trustees and the clerk of said township, and the said trustees shall, when it shall become necessary to levy a tax to pay said bonds and interest thereon, certify that fact to the auditor of said Richland county, and said auditor shall cause said sum so certified by said trustees, to be levied upon the taxable property of the election precinct in which said village is situated, and the same shall be collected like other taxes, and shall be applied to the

payment of said bonds and interest: provided, that the total amount of said bonds so issued, shall not exceed the sum of eight thousand dollars; and provided further, that said trustees shall first submit the question of building such town hall and levying said tax for the above named purpose, to the qualified electors of said election precinct, at a general or special election, having first given at least five days' notice of the same, by posting up said notices in at least five of the most public places in said election precinct.

SEC. 3. The electors voting at said election, shall have written or printed on their tickets, "Tax for town hall purposes—yes," or, "Tax for town hall purposes—no," and if a majority of all the electors voting at said election upon the question submitted, shall vote tax, yes, said town hall shall be built and tax levied as above provided.

SEC. 4. If the said trustees and village council shall enter into an agreement, as provided for by this act, the said agreement shall be reduced to writing, and shall show—

*First*—The amount of money put into, or to be put into such hall by said trustees and said village council, shall be separately stated.

*Second*—The part or parts, room or rooms of such hall to be separately owned by such trustees and such village council, and whether to be occupied jointly or severally.

*Third*—As to the legal title to the land or lot on which such hall shall be constructed, and how, and in whom such legal title shall be held.

*Fourth*—Any other agreement in regard to procurement of purchase of grounds, construction, management, custody or control of such town hall; and such agreement shall be signed in duplicate by said trustees and village council, one copy of which shall be delivered to the trustees of said township, and one copy to the council of said village, and such written agreement shall be evidence of the respective interests and rights of said parties in and to such hall.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To authorize the authorities of the city of Portsmouth, to purchase certain territory, and buildings thereon, for certain purposes, and to issue bonds to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the authorities of the city of Portsmouth, in the county of Scioto, be and the same are hereby authorized to purchase and hold, for the purpose of a railroad depot, or for any other purposes connected with railroad operations, any lot or parcel of ground within the corporate limits of said city, together with any buildings thereon, or fixtures connected therewith, and to pay for the same any sum not exceeding twenty thousand dollars.

SEC. 2. That said city authorities are hereby authorized to issue the bonds of said city, payable in twenty years or less, bearing interest at the rate of eight per cent., payable semi-annually, and to provide for the

payment of said bonds and the interest thereon, by taxation, as in other cases provided for the payment of the indebtedness of said city.

SEC. 3. That the authorities of said city are authorized to use said property for the purposes aforesaid, or to grant or lease the same, or part thereof, to one or more railroad companies, for depot and other purposes, that may be deemed necessary; provided, that the said railroad company or companies shall pay to the authorities of said city an annual rental, of a sum not exceeding eight per cent. per annum upon the cost of said property, and said property shall remain upon the tax duplicate, and said company or companies shall pay all taxes and assessments upon said property.

SEC. 4. That before said purchase is made, or bonds issued, the city authorities shall submit the question to the qualified electors of said city, at a special election called by said authorities, by publishing the same in one or more of the papers of said city twenty days before the vote is taken, calling attention to time and place at which election will be held; and this act shall not be held to be in force unless a majority of the qualified electors voting at said election shall vote in favor of the purchase and tax hereby authorized.

SEC. 5. This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

#### AN ACT.

To authorize the commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Cuyahoga be and they are hereby authorized to issue bonds of said county, bearing a rate of interest not to exceed seven per cent. per annum, the interest payable semi-annually, and to dispose of the same, from time to time, at not less than their par value, payable in one, two, three, four and five years from the date thereof, and in such amounts as may be necessary to discharge the existing liabilities of said county: provided, that the aggregate amount of such bonds shall not exceed seventy thousand dollars.

SEC. 2. That for the redemption of said bonds, the county commissioners are hereby authorized to levy, on all the taxable property in Cuyahoga county, Ohio, for each of the years 1877, 1878, 1879, 1880, such amount as shall be necessary to pay the interest and principal of such bonds.

SEC. 3. That upon the sale of said bonds, the county commissioners and county auditor are hereby authorized to apportion the proceeds thereof to the several funds, as may be required by the necessities of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

## AN ACT

To enable the township and incorporated village of Malta to purchase a site for and build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Malta township, and the council of the incorporated village of Malta, in the county of Morgan, Ohio, are hereby authorized and empowered to erect, for the joint use of said township and village, a town hall, the cost of which shall not exceed five thousand dollars: provided, that before said building shall be erected or contracted for, the question as to whether such building shall be erected shall be, at either a regular spring or fall election, submitted to the voters of said township and village, for their approval or disapproval; and if a number of votes equal to a majority of all the votes cast at said election shall be cast in favor of building such town hall, said trustees and council may proceed to erect such town hall, and not otherwise.

SEC. 2. That to provide money to build such hall, said trustees are hereby authorized, in addition to taxes now by law authorized to be levied, to levy on all property subject to taxation in said township, one mill per annum for each of the next four years; and said council are, in like manner, authorized to levy for such purpose two mills per annum upon the taxable property of said village for the next four years.

SEC. 3. Said trustees and council are hereby authorized to proceed immediately, jointly, to contract for building said hall, and complete the same, which, when completed, shall be owned by said village and township in the proportion of the money paid by each for its erection, and shall be regulated and controlled in such manner and by such rules as said trustees and council may, from time to time, agree upon. And to anticipate the money to be raised by said tax, said trustees and council are each hereby authorized and empowered to issue the bonds of the village and township, respectively, for the proportion of the money to be raised by each for such building purposes, which bonds shall not be less, each, than one hundred dollars, shall bear no greater interest than eight per centum per annum, and shall be sold at not less than their par value.

SEC. 4. This act shall take effect on and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

## AN ACT

To create a special school district in Marion township, Morgan county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sub-district number six (6), Marion township, Morgan county, Ohio, embracing the following described territory to wit: A part of range twelve (12), township eight (8), of the Ohio Company's purchase, and beginning in the south line of section sixteen (16), one hundred and nine (109) rods east of the south-west corner of said section sixteen (16); thence northerly along the west line of lands now owned by Alfred Worrell, Wm. H. Smith and Wm. Hunnicutt, to the center of Wolf creek; thence down the center of said Wolf creek to the east line of said section sixteen (16); thence north to the north-west corner of fraction four (4); thence east to the middle

of the north line of said fraction four (4); thence south to the middle of the south line of fraction twelve (12); thence west to the north-east corner of fraction two (2); thence south to the south-east corner of said fraction two (2); thence west to the north-west corner of section eight (8); thence south to the south-east corner of fraction one (1); thence west to the north-east corner of lands now owned by John Wagoner, in fraction seven (7); thence south to the south east corner of said John Wagoner's land; thence north-westerly, including lands of Thomas R. Smith and the said John Wagoner, to the south line of said fraction one (1); thence west to the south-west corner of said fraction one (1); thence north to the north-west corner of said fraction one (1); thence east to the south-west corner of lands now owned by the heirs of Thomas Larkins, in fraction thirty-six (36); thence north to the road leading west from the town of Chesterfield; thence easterly along said road, and including lands of Hannah G. Israel, to the east line of said fraction thirty-six (36); thence north to the north-west corner of fraction six (6); thence west to the place of beginning, be and the same is hereby created and declared to constitute a special school district for school purposes.

SEC. 2. The said special school district shall be entitled to all the school property within said territory, and the title thereto is hereby vested in the board of education for said special school district.

SEC. 3. Written or printed notices shall be posted for ten days, in three of the most public places in said district, signed by at least three electors, requesting the qualified electors thereof to assemble, on a day and at an hour and place designated in said notices. The electors so assembled shall proceed to elect three members of the board of education for said district—one for one year, one for two years, and one for three years, from the third Monday of April, 1877, who shall hold their offices for the term specified, and until their successors are elected and qualified.

SEC. 4. The said special school district shall be entitled to and receive its proportionate share of the school funds levied for school-house and incidental expenses, in accordance with the last enumeration of children who are entitled to attend schools, said funds being those now collected, or already levied and not collected, within the county or township; also, its proportionate share of township school funds, known as section sixteen (16) funds.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

To authorize the trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon and otherwise contributing to the establishment and support of a normal school in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Canfield township, Mahoning county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of fifteen thousand dollars, for the purpose of repairing buildings, pur-

chasing sites and erecting buildings thereon for the establishment of a normal school in the village of Canfield, in said township, and otherwise contributing to the support of the same.

SEC. 2. That for the purpose aforesaid, said township trustees are hereby authorized and empowered to issue bonds, to be signed by said trustees and attested by the clerk of said township, in such sums as the trustees may provide, bearing interest at a rate not exceeding seven per centum per annum, to be paid annually; said bonds to be payable at any time within ten years after the issuing thereof, and which said bonds shall not be sold for less than the par value thereof.

SEC. 3. That said trustees of Canfield township are hereby authorized and required to levy a tax, annually, on all the taxable property, both real and personal, of said township, sufficient to pay said bonds, together with the interest accruing thereon, as the same shall become due, which levy shall be placed on the tax duplicate by the auditor of said Mahoning county, and collected as other taxes.

SEC. 4. That the bonds mentioned in this act shall not be issued, or money borrowed under this act, until the question of the propriety thereof shall have been submitted to the electors of said Canfield township, at a general election, and a majority of all the electors voting at such election shall have voted in favor thereof, which said election shall be held and conducted as follows: The trustees shall give ten days' notice of the time and place of holding said election, by posting written or printed notices in at least ten public places in said township, which notices shall state the object for which said bonds are to be issued, and the amount thereof. Said election shall be by ballot, and all ballots in favor of issuing said bonds and borrowing money, as aforesaid, shall have written or printed thereon, "Issue bonds—yes," and those against the same, "Issue bonds—no."

SEC. 5. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 27, 1877.

#### AN ACT

Supplementary to an act entitled "An act to authorize the election of an additional judge of the court of common pleas in the first judicial district of the state of Ohio," passed April 20, 1871. (O. L., vol. 68, p. 68.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second election for the additional judge of the court of common pleas of the first sub-division of the fifth judicial district, provided for in the act to which this is supplementary, shall be held on the second Tuesday in October, A.D. 1877, at which time such additional judge, who shall be a resident of said sub-division, shall be elected by the qualified voters of said counties of Adams, Brown and Clermont; and said election shall be held in the same manner, and for the same term, as is now prescribed by law for the election of other judges of the court of common pleas; and said judge, when so elected and qualified, shall hold his office for the term of five years, and shall enter upon his duties on the first Monday in February thereafter; and shall be entitled to receive the same salary, possess



the same powers, and discharge the same duties, as are conferred or enjoined by the constitution and laws of the state upon other judges of said courts; and any vacancy that may occur in the office of said additional judge shall be filled as in other cases.

SEC. 2. That at least fifteen days before the second Tuesday in October, 1877, the sheriffs of each of said counties, shall give notice, as is now provided by law, of the time and place of holding said election.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 28, 1877.

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#### AN ACT

To authorize the commissioners of Ashtabula county to build a barn on the infirmary farm, in place of one lately burned down.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Ashtabula county be and they are hereby authorized to build a barn on the infirmary farm in said county, at a cost not exceeding five thousand dollars; and they are hereby authorized to levy a tax to raise the above sum, and to enter into a contract for furnishing the materials and erecting the same, at any time after ten days publication of a notice in a weekly newspaper, stating when and where they will let the contract for the same.

SEC. 2. This act to be in force and take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 28, 1877.

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#### AN ACT

To authorize the board of county commissioners of Hamilton county, to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Hamilton county, be and it is hereby authorized to extend Mitchell avenue under the Miami and Erie canal, by and through an arched tunnel, and to pay the expense of building said tunnel, they are hereby empowered to levy a tax not to exceed twenty-one one hundredths of a mill on the dollar of the taxable value of the property of said Hamilton county, in addition to the levies for road and bridge purposes now authorized by law: provided, that no contract for construction of said tunnel shall be let except upon good and sufficient security, by bond in the sum of not less than one hundred thousand dollars from parties worth in the aggregate in real property, over and above all liens, mortgages, and other incumbrances twice the

amount of said bond; and that among the conditions of said bond, it shall be provided that said tunnel shall be fully completed and handed over to the county commissioners, fit and suitable in all respects to fill all the necessary conditions of a public tunneled roadway, and that the consideration to be paid therefor by the county of Hamilton, shall not exceed in amount the sum of money accruing from the levy herein provided for; and provided further, that no payments on account of said tunnel shall be made, or allowed, until the whole work shall have been fully and entirely completed by the contractor and so accepted by the county commissioners.

SEC. 2. To anticipate the receipts which may come into the county treasury by virtue of the tax levied by authority of this act, said board is hereby authorized to issue bonds of said county, bearing interest at the rate of seven per centum, per annum, to be disposed of at not less than their par value, and to be paid out of the taxes herein authorized to be levied and collected.

SEC. 3. No contract shall be entered into for the construction of said tunnel, until a consent, authorizing and licensing the construction thereof, is obtained from the board of public works of this state, and also the consent of the lessees of the public works shall have been obtained, and the board of county commissioners is hereby authorized to execute to the state of Ohio, a good and sufficient bond in the sum of fifty thousand dollars to secure the state of Ohio and the lessees of the public works against any loss that may result on account of defective construction, or by the giving away of the work during construction or thereafter, or to individuals either during the construction of said tunnel or afterwards; and said board of county commissioners is hereby authorized to give such further bond of indemnity to the lessees of the public works as may become necessary to obtain said consent; and provided further, that before the county road called Mitchell avenue shall be constructed, it shall be the duty of the county commissioners to make such reapportionment of the assessments for the cost and expense of constructing said county road as shall be just and proper; and provided, also, that in said reapportionment of said assessment, no one abutting property owner shall be assessed for his property so abutting, a greater amount than fifteen hundred dollars; and provided, also, that none of the lots or lands lying north of the county road which is north of Mitchell avenue and leads from the Lebanon turnpike to the Carthage turnpike at Ludlow Grove, and between Lebanon turnpike and Carthage turnpike, shall be assessed to pay any part of the cost of constructing said Mitchell avenue.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 28, 1877.

#### AN ACT

to authorize the transfer of certain public lands in the village of Sunbury, Delaware county, Ohio, to the board of education of Sunbury special school district, Delaware county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of said Sunbury special school district, of Dela-

ware county, Ohio, be and they are hereby authorized to use, subject to the present rights of Sparrow lodge number four hundred of free and accepted masons, and subject also to the continued use by the public of town hall, what is known as the public square and buildings thereon, in said town of Sunbury, Delaware county, Ohio, into [for] public school grounds: provided, that before making said change, the board of education of said special school district, in the town of Sunbury, Delaware county, Ohio, shall submit to the electors of said town of Sunbury, Delaware county, Ohio, at a special election held for this purpose, the question as to the expediency of making such change, and of which said election, notice shall be given as required by law for special election of municipal officers.

SEC. 2. At said election, the said electors shall have written or printed, or partly written or printed, on their ballots, the words, "For converting public square into public school grounds—yes," "For converting public square into public school grounds—no," and if a majority of all the electors of said town of Sunbury, Delaware county, Ohio, voting at said election upon the question, shall vote "For converting public square into public school grounds—yes," this act shall therefore be considered and holden to have been adopted by such majority, and the said board of education of said town of Sunbury special school district, Delaware county, Ohio, are hereby authorized and empowered to take possession and become vested with the right to said public square to use for school purposes.

SE . 3. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 28, 1877.

#### AN ACT

For the relief of the official sureties of Cortez Stevens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio.

WHEREAS, On the twenty-fourth day of January, A.D. 1877, Cortez Stevens, at that time treasurer of the township of Brunswick, Medina county, Ohio, died; and,

WHEREAS, An examination of his accounts as such treasurer, showed the same to be correct and well kept; and,

WHEREAS, His estate being insolvent, his administrator has been unable to find the whole of the funds with which the said deceased treasurer stands charged; and,

WHEREAS, More than two hundred of the legal voters and tax payers of said township, being about four-fifths of all the voters of said township, have, by petition, asked for the release of the sureties of the said Cortez Stevens from all liabilities on his official bonds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That Jesse R. Garret, Henry Livingston, and Edward L. Heacox are hereby released and discharged from all liability and obligation on the official bonds of the said Cortez Stevens, as treasurer of the said township of Brunswick, Medina county, Ohio, and on account of any funds held by the said Cortez Stevens as such treasurer; provided, that the amount for*

which the said sureties are hereby released, shall not exceed the sum of fifteen hundred dollars; and further provided, that not less than ten days previous to the next regular election after the passage of this act, the trustees of said township shall cause to be posted in not less than five of the most public places in said township, notice that the question of the release of the said sureties will be submitted to the voters at the time of said election, and the question of the release of the said sureties shall be so submitted; and if a majority of those voting on that question shall vote in favor of such release, then, and not otherwise, the said sureties shall be released as hereinbefore provided.

SEC. 2. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

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#### AN ACT

To amend section one of an act entitled "An act to authorize the board of county commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county," passed and took effect March 14, A.D. 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section one of the above recited act be so amended as to read as follows:

Section 1. That the board of county commissioners of Delaware county, be and they are hereby authorized to construct and erect a jail at such place, at the county seat of said county, as in their judgment may be deemed best for the public good, at a cost not to exceed thirty thousand dollars; and for that purpose the said board of county commissioners of Delaware county, be and they are hereby authorized to levy a tax upon all the taxable property of said county, listed on the duplicate for taxation for the years 1877, 1878, 1879, and 1880, the amount of which proposed tax shall be fixed by said board of county commissioners, which in no event shall exceed thirty thousand dollars, or one-half of one mill on the dollar, per annum, on all the taxable property of said county, in any one year.

SEC. 2. That said original section one of said act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

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#### AN ACT

To authorize the council of the incorporated village of Brooklyn, Cuyahoga county, state of Ohio, to transfer money from the cemetery fund to the corporation fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Brooklyn, Cuyahoga county,

state of Ohio, be and are hereby authorized to permanently transfer from the cemetery fund of said village, the sum of eight hundred dollars, "belonging to the cemetery fund," to the corporation fund.

SEC. 2. This act to be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To authorize the council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street, in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Willoughby, Lake county, be and they are hereby authorized and empowered to issue bonds, not to exceed three thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, to be of the denomination of from one hundred to five hundred dollars; said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be payable in one, two, three, and four years; said bonds shall not be sold for less than their par value, and the money arising from the sale of such bonds shall be applied to the payment of the indebtedness already incurred in the macadamizing of a part of said Erie street, and for the completion of the same at the established width of thirty feet, and for no other purpose.

SEC. 2. Said council shall have power, and it is hereby made their duty, after the issuing of said bonds, to levy a tax on all the taxable property of said village, sufficient to meet the interest and principal of said bonds as they may become due, not to exceed two and one-half mills on the dollar in any one year, and the tax so levied shall be collected the same as other taxes, and the money arising from such tax shall be applied to the payment of the interest and principal of said bonds, and for no other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

For the relief of the road commissioners of the Marysville, New California and Franklin county line free turnpike.

WHEREAS, The road commissioners of the Marysville, New California and Franklin county line free turnpike, by an act passed March 29, 1875, and amended by an act March 28, 1876 (an act to amend sections one, three, eight, fourteen, sixteen, nineteen, twenty-six and thirty of "an act to authorize the board of county commissioners to lay out and estab-

lish free turnpike roads, and to repeal certain acts therein named," passed and took effect March 29, 1875), were authorized to lay out and establish a free turnpike road, and to levy upon the grand duplicate of the county, for the purpose of constructing said free turnpike road, any amount of money not exceeding ten mills on the dollar valuation in any one year, on all the lands and taxable property within the bounds of said road, as laid out and established for said purpose; and,

WHEREAS, Said road commissioners have laid out and established a free turnpike road under the above acts named, commencing at Marysville, Ohio, and extending to the Franklin county line, a distance of thirteen miles and one-half, and the said road commissioners have made an assessment upon all taxable property within the boundaries of said road, to the full extent of the law, and there remains an indebtedness of eight thousand dollars; and,

WHEREAS, It is desirable that said indebtedness, not exceeding eight thousand dollars, be extended from and during a period of five years; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Union county, Ohio, be and they are hereby authorized to issue bonds, from time to time, to the amount of eight thousand dollars, for the purpose of paying the deficit of said free turnpike road, said bonds to be signed by the road commissioners of said free turnpike road, bearing interest, payable semi-annually, at a rate not exceeding eight per cent. per annum; none of the bonds under this act to be made payable at a later period than the year eighteen hundred and eighty-two.

SEC. 2. That the said commissioners of the said free turnpike road are hereby authorized to sell said bonds at par, and use the proceeds in the payment of said deficiency.

SEC. 3. That for the purpose of paying said bonds so authorized to be issued by this act, said county commissioners are authorized to make an assessment upon all the lands now portioned for the improvement of said free turnpike road, which have been legally assessed for such purpose, according to the benefits that each person or persons derive from said improvement, as provided in section four of this act.

SEC. 4. The county commissioners shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expense of said improvement upon the real property to be assessed, according to the benefit to be derived therefrom, and report the same to the county auditor; and in making said apportionment they shall take into consideration previous assessments made upon such real property for the improvement of said road, and any benefit which will occur to any land or lands by reason of drainage resulting from making of said improvement. When the report of said committee shall be returned, the county auditor shall give notice of it by publication in some newspaper published and of general circulation in said county, and shall also give notice, for at least three consecutive weeks, of the time when the commissioners will meet at the county auditor's office to hear the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said report, they shall confirm the same; but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested; and either one

of said commissioners shall be authorized to administer oaths to witnesses. After such hearing, they may either confirm said report or change the same, or refer the same to a new committee of three disinterested freeholders. In case last named of a reference, the new committee shall, upon actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former report; and upon the return of their report to the county auditor, the same proceeding shall be had as upon return of the first report, except that there shall not be a reference to another committee. The final action of the commissioners shall be entered upon their records, together with the report, as confirmed, showing how the said estimated expense has been apportioned upon the lands ordered to be assessed as aforesaid. The said assessments on land under the provisions of this act, shall be placed upon a special duplicate, to be provided by the county auditor, at the expense of the county, for that purpose.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives,*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

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#### AN ACT

To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the incorporated village of Lexington, Richland county, be and they are hereby authorized to permanently transfer four hundred dollars now in said village treasury, belonging to the fund for opening and extending streets, to the fund for sanitary and street cleaning purposes, and for street improvements and repairs.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

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#### AN ACT

To authorize the commissioners of Jackson county to transfer certain funds to the poor and county funds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Jackson county be and they are hereby authorized to transfer from the railroad fund of said county the sum of one thousand four hundred and twenty-one dollars and forty-one cents; also, any part of the building fund of said county that the said commissioners may

think proper; also, sixty-three dollars and ninety-two cents of the redemption fund of said county to the county fund of said county.

SEC. 2. This act to take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To fix the time for holding an additional term of the district court in Scioto county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* in addition to the regular term of the district court for Scioto county, fixed by the judges of the seventh judicial district of Ohio, there be held in said county an additional term of the district court, at the court-house in Portsmouth, in said county, beginning on the fourteenth day of August, A.D. 1877, and all cases pending in the district court for said county, on said August fourteenth, 1877, shall be for trial or hearing in such order as the court may direct.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To authorize the board of education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, be and they are hereby authorized to levy, in addition to the amount now authorized by law to be levied, on the grand duplicate of taxable property in said school district, not to exceed three mills on the dollar; and the amount to be raised by such additional levy to be paid out as other school funds, for school purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.



## AN ACT

To authorize the city council of Newark, and the county commissioners, to unite in building a sewer in said city, and to provide the necessary funds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Newark, Ohio, be and they are hereby authorized and empowered to unite with the county commissioners of Licking county, Ohio, in the construction of a main sewer, for the joint use and benefit of the said city, and of the new court-house now being erected in the court-house square in said city, to be constructed on Main street, and through said public square, in said city, and extending from Fifth street, eastward, to the north fork of Licking river.

SEC. 2. Said city council, in anticipation of the taxes to be levied for that purpose, be and they are hereby authorized to borrow money, and issue bonds therefor, in the name of said city, not exceeding in the aggregate six thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, and issued in such denominations, not less than one hundred dollars and having such time to run, not exceeding five years, as said city council may determine; provided, such bonds shall not be sold for less than their par value.

SEC. 3. The county commissioners of said county are hereby authorized and empowered to use, for the construction of said sewer, any funds they have, or may have, applicable to the construction of said new court-house.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To authorize the trustees of Shalersville township, Portage county, to levy a tax for certain purposes mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Shalersville township, Portage county, be authorized to levy and assess a tax, the amount of which shall not be more than three hundred dollars, and submit the same to a vote as herein provided, for the purpose of building a walk from a point near the north-east corner of town-hall lot, west to the cemetery lot; the same to be built under the direction of the township trustees: provided, that the trustees shall first submit the question of tax or no tax for the above named purpose, to the qualified electors of the township, at a general election, having given at least twenty days' notice of the same, in at least three public places in the township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The voters voting at such election, shall have written or printed on their ballots the words, "Tax for the purpose mentioned—yes," or, "Tax for the purpose mentioned—no;" and if a majority of all the voters voting at the election upon the question submitted, shall vote

"Tax, yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

#### AN ACT

To authorize the building of a town hall in the village of East Liverpool, Columbiana county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of the township of Liverpool, in the county of Columbiana, in connection with the council of the incorporated village of East Liverpool, in said county, are hereby authorized to unite in building a town hall upon land already owned by said village, or to be purchased or appropriated for that purpose, within the limits of said village, which hall shall not cost to exceed the sum of three thousand dollars; and said town hall, when built, shall be under the control of the trustees of the township, and mayor and council of the village.

SEC. 2. For the purpose of paying for said town hall, the trustees of said township are hereby authorized and required to issue their bonds, to be signed by at least a majority of said trustees in their official capacity; said bonds shall not be of less denomination than one hundred dollars, and may be made payable in one, two, and three years from their date, and shall draw interest at a rate not to exceed eight per cent., payable annually, and which bonds shall not be disposed of at less than their par value.

SEC. 3. For the purpose of meeting the payment of said bonds and the interest annually accruing thereon, the said trustees are authorized and required to levy upon all the taxable property in said township and village, such an annual rate of tax as will meet the bonds and interest falling due in that year, which tax shall be laid and collected in the same manner as other township taxes, and when so collected shall pass into the hands of the township treasurer, and shall be paid out only by direction of the trustees, upon orders to be drawn by the clerk of said township, which order shall specify the amount to be drawn, the purpose for which drawn, and the fund upon which it is drawn.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To authorize the trustees and board of education of Columbia township, Lorain county, Ohio, to levy a tax to build a school house and town hall.

WHEREAS, The qualified electors of said Columbia township, in Lorain county, Ohio, at the late annual election held on the first Monday of April, A.D. 1877, voted to build a town hall in said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said township of Columbia, in Lorain county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of said township, for said purpose, not exceeding two mills on the dollar, for each of the years 1877 and 1878, which shall, when collected, be used for the purpose of purchasing a site and building a town hall and school house, at or near the center of said township.

SEC. 2. That the board of education of said township of Columbia, Lorain county, are hereby authorized to levy a tax of not more than two mills on the dollar on the taxable property of said township, for each of the years 1877 and 1878, which tax, when collected shall be expended by the board of education of said township, in connection with the trustees of said township, in building a school house and town hall.

SEC. 3. The township trustees and the board of education of said township of Columbia, Lorain county, Ohio, shall each certify to the county auditor of said county the amount of tax necessary for such purpose, not exceeding the amount specified in the first and second sections of this act, which shall be entered upon the duplicate and collected in the same manner that other taxes are collected.

SEC. 4. That said township trustees and said board of education may make a temporary loan in anticipation of the taxes so to be raised, not to exceed the amount thus authorized.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To authorize the commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from the city of Pomeroy to the village of Racine, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Meigs county be and they are hereby authorized to levy, at their June session, A.D. 1877, a special tax, not exceeding in the aggregate the sum of seven thousand dollars, for the purpose of improving, grading and protecting the road leading from the city of Pomeroy to the village of Racine, in said county.

SEC. 2. The commissioners shall, when letting the contracts for improving said road, be governed by the laws now in force relating to the duties of county commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To authorize the commissioners of Richland county to transfer money from the county fund of said county to the "bond and interest fund."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Richland county be and they are hereby authorized to transfer from the county fund of said county the sum of fifteen thousand one hundred and twenty-five dollars and forty-six cents (\$15,125.46) to the "bond and interest fund" of said county.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

To authorize the council of the incorporated village of Franklin, in Warren county, Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the town council of the incorporated village of Franklin, in Warren county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of seven thousand dollars, for the purpose of buying a steam fire engine, with the necessary apparatus to operate the same, for the use of said village.*

SEC. 2. That for the purpose aforesaid, said town council are hereby authorized and empowered to issue bonds, to be signed by the mayor and attested by the recorder of said village, in such amounts as said council may stipulate, bearing interest at a rate not exceeding eight per cent. per annum, said bonds to be payable at any time within five years: provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That the said council of said village is hereby authorized to levy a tax, annually, on all the taxable property within the corporate limits of said village, to pay said bonds, together with the interest thereon, as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 4. Provided a majority of the voters of said village vote in favor, at a special election held in said village, after giving ten days notice, by posting written or printed notices in ten of the most public places in said village.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## AN ACT

For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio.

WHEREAS, The dwelling house of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio, was burglariously entered on the night of February 3, A.D. 1875, while he was treasurer of said township, and the funds belonging to said township, to the amount of one thousand four hundred and forty five dollars, were feloniously stolen and carried away from him as treasurer of said township; and,

WHEREAS, The said Albert A. Selkirk has, notwithstanding the larceny of said funds, paid the same in full to the township; and,

WHEREAS, By paying the same he has exhausted all the property he had, not even retaining to himself that made exempt by statute; and,

WHEREAS, The officers and tax-payers of said township of Plain, Wood county, Ohio, by their petition to this general assembly, represent that the larceny of said funds was without any fault or neglect of said Albert A. Selkirk, as such treasurer; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Plain township, Wood county, Ohio, be and they are hereby authorized and required to submit the question of refunding and paying back to the said Albert A. Selkirk the said sum of one thousand four hundred and forty-five dollars, so paid by him to said Plain township, to the qualified electors of said township, at the next general election after the passage of this act, ten days previous notice having been given, by posting up written or printed notices in three or more public places in said township; and if a majority of the voters of said township voting at said election shall vote in favor of refunding said sum of one thousand four hundred and forty-five dollars to said Albert A. Selkirk, then the said trustees shall refund the same to him.

SEC. 2. The trustees of said Plain township, Wood county, Ohio, are hereby authorized, if in their opinion it shall become necessary, to levy a tax not to exceed the sum of one thousand four hundred and forty five dollars, to replace in the township treasury the amount taken therefrom to refund the said sum to said Albert A. Selkirk.

SEC. 3. The electors of said township at said election shall have written or printed on their ballots the words, "For refunding Albert A. Selkirk—yes," or "For refunding Albert A. Selkirk—no;" and if a majority of all the electors of said township voting at said election shall vote in favor of refunding the said Albert A. Selkirk, then the said sum of one thousand four hundred and forty-five dollars shall be refunded to him by said trustees, as above in this act provided.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR.

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 2, 1877.

## AN ACT

To authorize the transfer of certain funds therein named now in the treasury of the city of Fremont, county of Sandusky, and state of Ohio.

WHEREAS, A large amount of money, in excess of present wants to meet city indebtedness, has accumulated in the treasury of the city of Fremont; and,

WHEREAS, There is great necessity for funds to meet indebtedness now matured in the general purpose, fire, Croghan street grading, North Center street improvement, and Croghan street sewer funds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Fremont, Sandusky county, Ohio, be and they are hereby authorized to permanently transfer nine thousand four hundred and ninety-five dollars and fourteen cents (\$9,495.14), now in said city treasury belonging to the city debt fund, to the fund for general purposes.

Also, to permanently transfer two hundred and forty-nine dollars (\$249 00), now in said treasury belonging to the city debt fund, to the fire fund.

Also, to transfer permanently, eight hundred and ninety-three dollars (\$893.00), now in said city treasury belonging to the city debt fund, to the Croghan street grading fund.

Also, to transfer permanently, ten hundred and eighty dollars, now in said city treasury belonging to the city debt fund, to the North Center-street improvement fund.

Also, to transfer permanently, five hundred and seventeen dollars, now in said city treasury belonging to the city debt fund, to the Croghan street sewer fund.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 2, 1877.

#### AN ACT

For the relief of Joseph Barrington.

WHEREAS, Joseph Barrington, in the year 1869, while treasurer of Middlebury township, Knox county, Ohio, acting upon the advice and direction of the trustees of said township, deposited the funds of said township in the bank of Fredericktown, in said county; and,

WHEREAS, By reason of the failure of said bank, the sum of ninety dollars, township funds, was lost; and,

WHEREAS, The said Joseph Barrington, out of his own private funds, paid into the treasury of said township, the amount lost as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of said township of Middlebury, be and are hereby directed to refund said sum of ninety dollars to the said Joseph Barrington, out of the funds of said township: Provided, however, the question of refunding said money shall be submitted to the qualified electors of said township, at any general election, and a majority of said electors shall vote in favor of the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 2, 1877.

## AN ACT

To create a special school district in Richland township, Wyandot county, and to authorize the board of education of said township to transfer certain funds to the board of education of said special district.

WHEREAS, The citizens of sub-school district number three, in the township of Richland, and the county of Wyandot, have petitioned for a special school district, and for other relief herein provided for; and,

WHEREAS, The board of education of said township has levied, assessed, and collected in said township, the sum of two hundred dollars, for the purpose of a central high school in said sub-district number three, which has since remained unexpended and unappropriated in the treasury; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said school district number three, in said township of Richland, and county of Wyandot, consisting of the following described territory, viz., the north half of section twenty-two, the north-west fourth of section twenty-three, the west half of section fourteen, and all of section fifteen, be and the same is hereby declared to be and constitute a special district: Provided, however, that a majority of the electors residing within said territory shall vote in favor of said special school district as hereinafter provided.

SEC. 2. Written notices shall be posted in three of the most public places in said territory, signed by at least six of the resident electors of said territory, requesting the qualified electors thereof to assemble on a day, at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district.

The electors assembled at the time and place designated in said notice shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least four hours, and shall not close before four o'clock P.M. The electors in favor of said special school district, shall write or print upon their ballots, "Special school district," and those opposed thereto, "No special school district," and a majority of the ballots so cast shall determine the question whether or not said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found to favor the special school district as aforesaid, the electors shall at once proceed to elect the [three] members of the board of education, one for one year, one for two years, and one for three years from the third Monday of April, A.D., 1877, who shall hold their offices for the terms specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property within such territory; and the title thereto is hereby vested in the board of education of said special school district; and the board of education of the said township of Richland, are hereby authorized to pay over to the said board of education of said special school district for the use thereof, the said sum of two hundred dollars levied, assessed and collected in the said township as hereinbefore recited, with such accretion thereof by interest as may be so unexpended, and unappropriated.

SEC. 4. The said special school district shall be governed in all respects

by such laws as, or may hereafter be in force relating to special school districts.

SEC. 5. That this act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

#### AN ACT

To authorize the city of Mount Vernon, Ohio, to levy a special tax to purchase machinery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the question of levying a special tax of two per cent. upon all the taxable property of the city of Mount Vernon, Ohio, for the purpose of purchasing tools and machinery suitable for the manufacture and repair of railroad rolling stock and machinery, shall be submitted to a vote of the qualified electors of said city, on the third Monday in May, 1877, and the return of said election shall be made to the city clerk of said city, and be by him laid before the city council, who shall declare the result by resolution; and if at such election a majority of the voters shall vote in favor of levying such tax of two per cent. for the purpose aforesaid, the city council of said city shall proceed at once to levy said tax, to be collected equally in three years, to wit: one-third in 1877, one-third in 1878, and one-third in 1879.

SEC. 2. That ten days' notice of said election shall be given in each of the county papers published at Mount Vernon, and by posting written or printed notices of the same at each of the voting places in said city. Those voting at said election for said tax shall have written or printed on their ballots, "Shop equipment tax, yes;" and those voting against it, "Shop equipment tax, no."

SEC. 3. Said tax as fast as collected shall be used in purchasing and paying for such permanent and substantial tools and machinery, as may in good faith be selected by the owners or lessees of the railroad shops now erected at and near said city for permanent use in said shops, with the approval of the city council of the said city of Mount Vernon (and said tax shall be used for no other purpose, and the title and ownership of said tools and machinery to be and remain in said city); and it shall be unlawful for the owner or lessees of said shops or any other person to remove said tools and machinery, or any part thereof from said shops, and the removal or attempt to remove said tools or any part thereof from said shops, shall forfeit the same to said city, and all right to the use and possession thereof, and if the owner or lessees of said shops shall fail for one year to use said tools continuously, and in good faith, such non-use shall also work a like forfeiture of the same to said city.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.



## AN ACT

Creating a special school district in Sandusky township, Richland county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the territory embraced within the following boundaries, be and the same is hereby created and declared to constitute a special school district, to wit: Beginning at the north-west corner of the south-west quarter of section eleven, on the line between the counties of Crawford and Richland, thence south one mile along the said county line, thence east one-quarter of a mile to the south-east corner of the land of Matthew Reid, thence north one mile along the west line of the lands of Anna J. Frye and Joseph Thrush, to the north-west corner of the land of the said Joseph Thrush, thence west one-quarter of a mile to the place of beginning; the said district to be called East Crestline special school district, and shall be governed in all respects by such laws as now or may hereafter be in force relating to special school districts.*

SEC. 2. Within thirty days from the date of the passage of this act, written notices shall be posted for ten days in three of the most public places in said territory, signed by at least six resident electors of said territory, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, then and there to vote for three members of the board of education for said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least two hours, and shall not close before four o'clock P.M., and shall proceed to elect three members of the board of education, whose term of office shall begin on the first Monday after said election, and one of whom shall hold his office until the third Monday in April next thereafter, one until the third Monday in April, A.D. 1879, and one until the third Monday in April, A.D. 1880, and until their successors are elected and qualified.

SEC. 3. The said special school district shall be entitled to receive its proportionate share of the school funds and funds levied for school house and incidental expenses, in accordance with the enumeration of 1876, of children who are entitled to attend school; said funds being those now collected or already levied and not collected within the county and township treasury.

SEC. 4. The board of education shall have the power to borrow money to the amount of fifteen hundred dollars for the immediate building of a school house, purchasing school house site, and fencing the same, at a rate not to exceed eight per cent. interest, and levy a tax to pay back the same in one and two years from date of borrowing.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

## AN ACT

To authorize the trustees of Middleburgh township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Middleburgh township, Cuyahoga county, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of building a vault or receptacle for the dead, for the use of the township, to be under the control of the trustees or such person as they may appoint: provided, that the trustees shall first submit the question of tax or no tax for the above named purpose to the qualified electors of the township at a general election, having given at least twenty days' notice of the same in at least three public places in the township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election, shall have written or printed upon their ballots the words, "Tax for the purpose mentioned, yes;" or, "Tax for the purpose mentioned, no;" and if a majority of all the electors voting at said election upon the question submitted, shall vote "Tax, yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 2, 1877.

## AN ACT

Supplementary to an act entitled "An act authorizing the county commissioners of Ross county to build a county jail, and to issue bonds therefor," passed March 17, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Ross county be, and they are hereby authorized, in addition to the powers conferred by the act to which this is supplementary, to issue additional bonds to the amount not exceeding five thousand dollars; and said commissioners shall be governed by the provisions of the act to which this is supplementary, except as above provided.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 3, 1877.

## AN ACT

To authorize the council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire engine house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Bellevue, in the counties of Sandusky and Huron, in the state of Ohio, be and the same are hereby

authorized to issue the bonds of said village, in any sum not exceeding fifteen hundred dollars, bearing interest at the rate of eight per centum per annum, from date of issue, for the purpose of defraying the expense of completing a town hall and fire engine house, for the use of said village.

SEC. 2. Said bonds shall be issued in such amounts respectively, as will, in the judgment of said council, best subserve the negotiation and sale of the same.

SEC. 3. The said council of said incorporated village is hereby authorized to levy a tax, in accordance with law, upon the taxable property of said village, to be certified to the respective auditors of said counties, in due proportion, and to be collected as other taxes for said purposes.

SEC. 4. Said bonds shall not be sold for less than their par value.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 3, 1877.

#### AN ACT

Requiring the auditor of Defiance county to refund certain taxes improperly collected.

WHEREAS, The auditor of Defiance county, Ohio, did place the following tracts of land on the duplicate of said county, for the year 1860, to wit: The south half of the south-east quarter, and the south half of the south-west quarter, of section twenty, town four, north range two east, and charged said lands with the current taxes for said year, and continued said lands on the duplicate for the years 1861 to 1875 inclusive, charging said lands with the current taxes for each of said years;

WHEREAS, Said taxes, for the year 1860, were returned delinquent by the treasurer of said county of Defiance, and said lands were sold, by said treasurer, to Hutchinson and Clemmer, at a delinquent tax sale, made and held by him, as such treasurer, on the thirteenth day of January, 1862;

WHEREAS, Said lands were not taxable for any of the years above named, for the reason that they were a part of the swamp lands of the state lying within said Defiance county, and remained unsold up to March, 1876;

WHEREAS, Said Hutchinson and Clemmer, and their assigns, have paid to the treasurer of said county, all of the taxes charged as aforesaid against said lands, for the years above mentioned, to wit: 1860 to 1875 inclusive; and,

WHEREAS, Said assignees of said Hutchinson and Clemmer, after said lands were sold, in 1876, made application to the auditor of said county of Defiance, for a refunder for the taxes paid as aforesaid, and they (said assignees), under "an act to amend section twenty of an act entitled 'an act prescribing the duties of county auditors, passed and took effect April 4, 1859,'" passed January 16, 1873, were allowed the amount of taxes assessed against said lands, for the last five years above named, to wit: 1875, 1874, 1873, 1872, and 1871, only; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the auditor of Defiance county, Ohio, be and he is hereby authorized and*

required to issue his warrant on the treasury of said county, for the refunding of the taxes to said assignees of Hutchinson and Clemmer, paid by them, as aforesaid, during the years 1862 to 1870 inclusive.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

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#### AN ACT

To authorize the council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lock-up and mayor's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of New Washington, in Crawford county, be and it is hereby authorized to borrow not to exceed one thousand five hundred dollars in the aggregate, to be applied only to the purpose of constructing a lock-up or village jail, and a mayor's office, and for this purpose to issue the bonds of said village, payable in not more than five years, and bearing interest at a rate not to exceed eight per centum per annum, payable semi-annually, which bonds shall be signed by the mayor and countersigned by the clerk of said village; provided, that said bonds shall not be disposed of at less than their par value.

SEC. 2. That for the purpose of paying for said bonds and the interest thereon, as the same may become due, said council is hereby authorized to levy a tax upon all the taxable property within said village.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

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#### AN ACT

To provide for the erection of bridges over Mill creek, and the Cincinnati, Hamilton and Dayton railroad, in Hamilton county.

WHEREAS, It is desirable that permanent bridges shall be constructed across Mill creek, and the Cincinnati, Hamilton and Dayton railroad, on a line with Liberty street, in the city of Cincinnati; and,

WHEREAS, On account of the great bend here made in Mill creek, by which it flows to the west of the straight line of its general course, a distance of about one-fourth of a mile, it is inexpedient to construct a permanent bridge at the place of the present intersection of said stream with the said Liberty street; and,

WHEREAS, From one point of this bend to another, in a direct line with the general course of the stream, and in a direct line with the Gest street and Harrison avenue bridges, is a distance of about eighteen hundred and seventy-five feet; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to enable the commissioners of Hamilton county to obtain a suitable place for the construction of such bridge across Mill creek, it shall be lawful for said commissioners to cause a cut to be made between the points, and, as nearly as practicable, in the line above indicated, straightening said stream, and to cause to be constructed a bridge across Mill creek, at the place of the intersection of the continuance of said Liberty street with said cut, and also cause a bridge to be constructed across the track of the Cincinnati, Hamilton and Dayton railroad, at the place of the intersection of said Liberty street with said railroad.

SEC. 2. That it shall be lawful for said commissioners to appropriate the necessary property for the making of said cut, which necessary property shall be appropriated and the owners thereof compensated in accordance with the terms and provisions of "an act to provide for compensation to the owners of private property appropriated to the use of corporations;" provided, that so much of the cost and expense of making said cut shall be borne by the Cincinnati, Hamilton and Dayton railroad company, as shall be agreed upon by said Cincinnati, Hamilton and Dayton railroad company and the board of public works of the city of Cincinnati.

SEC. 3. That to provide for the payment of the cost of construction of such bridges, as provided for in this act, and of the property appropriated for the said cut, said commissioners are hereby authorized and directed to levy and collect upon the real and personal property returned upon the grand levy of said county, a tax not to exceed two-fifths of one mill, which shall be collected in two annual installments of one-fifth of one mill in the years 1877, and 1878.

SEC. 4. Said bridges shall be erected, and the fund hereby provided for the erection of said bridges, shall be expended by and under the direction of the board of public works of the city of Cincinnati.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

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#### AN ACT

To create a special school district in Mesopotamia township, Trumbull county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sub-school district number five (5), in Mesopotamia township, Trumbull county, Ohio, be and the same is hereby created and declared to constitute a special school district, with all the powers, duties, and privileges conferred upon special school districts by the "act for the reorganization and maintenance of common schools," passed May 1, 1873, and any acts amendatory of or supplementary to the same: provided, that a majority of the electors residing within said territory shall vote in favor of said special school district at an election, written or printed notices of which, signed by six resident electors of said sub-district, shall have been posted at least ten days in three of the most public places in said territory, notifying the qualified electors thereof to assemble, on a day and at an hour and place

designated in said notices, then and there to vote for or against the creation of said special school district.

SEC. 2. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock in the afternoon; and the ballots used shall have written or printed thereon the words, "For special school district," or "Against special school district;" and the majority of the ballots so cast shall determine whether or not said special school district shall be created.

SEC. 3. Should a majority of the ballots at said election be found in favor of the creation of said special school district, then said electors shall proceed to elect three members of the board of education, one for one year, one for two years, and one for three years, and until their successors are elected and qualified.

SEC. 4. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

#### AN ACT

Amendatory of and supplementary to an act to create a special school district in Mentor township, Lake county, Ohio. (Laws of Ohio, volume 73, page 297.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section four of the above recited act be amended so as to read as follows:

Section 4. That one-eighth of the taxes raised for school purposes, on account of the value of said road property apportioned to said Mentor special district, shall be applied to the support of schools therein, and the remaining seven-eighths thereof shall be applied to the support of schools in the township district: provided, that the taxes levied and collected for the fiscal school year in 1876 and 1877, for school purposes, on account of the railroad property within said township, exclusive of that within the incorporated village of Mentor, shall be divided and apportioned so that said special district shall receive two-ninths thereof.

SEC. 2. All the lands lying north of the north line of the incorporated village of Mentor, and west of a line running north, parallel with east line of said incorporated village of Mentor, and also the lands owned by E. F. & G. W. Ingersoll, in lot eleven, tract eleven, and now claimed to be a part of said special school district, be and the same is transferred to the board of education of Mentor township.

SEC. 3. Section four of the above recited act is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

## AN ACT

To authorize the trustees of Darby township, Madison county, to transfer certain funds mentioned therein.

WHEREAS, There is now in the treasury of said Darby township four hundred and thirteen dollars and seventy-five cents, of what is known as the railroad fund; also, a railroad bond for one thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said Darby township be and they are hereby authorized to permanently transfer the above mentioned sum of four hundred and thirteen dollars and seventy-five cents, with any proceeds that may arise in the future from the railroad bond now held by them, to the township fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 4, 1877.

## AN ACT

To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

WHEREAS, The court of common pleas of Clinton county, Ohio, decided and held that certain proceedings of the said G. W. Garrison, while mayor of the incorporated village of Clarksville, Clinton county, Ohio, were illegal and void, for the reason that certain writs issued by him while mayor were not under the corporate seal of said village; and,

WHEREAS, The said village had neglected to provide a proper seal; and,

WHEREAS, By reason of said informality, certain fines assessed, and certain sentences of imprisonment rendered by the said G. W. Garrison, while mayor of said village, have been held to have been illegal, void, and of no effect; and,

WHEREAS, Certain persons, by reasons of said informality, have recovered judgments against the said G. W. Garrison, and the said Ezekiel Cast, the then marshal of said village, for damages by reason of said alleged illegal writs having been issued and served or attempted to be served; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Clarksville, Clinton county, Ohio, are hereby authorized, in the years 1877 and 1878, to levy a tax of not exceeding three mills on the dollar of the valuation of the property subject to taxation in said incorporated village, in the years 1877 and 1878, or so much thereof as may be necessary for the purpose of reimbursing and paying to the said G. W. Garrison and the said Ezekiel Cast any money they may have paid on any judgments recovered against either or both of them for damages on account of fines illegally assessed, or sentence of imprisonment illegally rendered by the said G. W. Garrison, while mayor of said incorporated village, and carried into execution or attempted to be carried into execution by the said Ezekiel Cast, while

marshal of said village : provided, the whole amount of tax so levied shall not exceed five hundred dollars.

SEC. 2. That before the levy of the tax aforesaid shall be made, the council shall submit to the electors of said incorporated village, at a called election, the question of "tax" or "no tax," which shall be written or printed on the said ballots to be voted, and the council shall cause notices of such election to be posted in at least three public places in said township for ten days before said election, and if a majority of electors voting at said election on said proposition shall be in favor of said tax, then the council of said incorporated village shall levy the tax, and not otherwise.

SEC. 3. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

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#### AN ACT

To authorize the commissioners of Jackson county to lease part of the public square in the incorporated village of Jackson, for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the commissioners of Jackson county are hereby authorized to let and lease, for the period of ninety-nine years, fifty-two feet, or less, off of the north-east end of the public square, commencing at the corner of Main and Broadway streets, fronting fifty-two or less feet on Main street and along Broadway street, and running the same width across said public square, situated in the incorporated village of Jackson, Jackson county, Ohio, to any person or persons, or to the corporate authorities of said village, for the purpose of erecting thereon a public hall, to be used for intellectual, musical, dramatical, and other purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

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#### AN ACT

To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of laying water pipes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the incorporated village of Clifton, Hamilton county, by an unanimous vote of all the members of its council, be authorized to issue bonds, in a sum not exceeding twenty thousand dollars, for the purpose of laying water pipes in the streets, for supplying the citizens with water, said bonds to be signed by the mayor and countersigned by the clerk, and to be for sums not less than five hundred dollars and not more than one thousand dollars each, and bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, the principal and interest



of said bonds to be payable at such bank in the city of Cincinnati, as the Council may direct; provided, that said bonds shall not be sold for [the] less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same becomes due, the council is hereby authorized and empowered to levy and assess a tax on the taxable property of said village, annually, commencing with the year 1877, as shall be sufficient to pay the principal and interest of said bonds as they become due, and the money so raised shall not be used for any purpose other than paying said bonds and the interest thereon: provided, that the question of issuing said bonds shall first be submitted to a vote of the qualified electors of said village, at some general or special election held in said village, ten days' notice whereof shall have been given by posting written notices in five public places in said village; and if a majority of the votes cast at said election shall be in favor of issuing said bonds, the council shall have the authority to issue the same as hereinbefore provided.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 5, 1877.

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#### AN ACT

For the relief of the Mercer county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Mercer county, Ohio, are hereby authorized and empowered to assess a tax upon all the taxable property of said county, in addition to the assessments now authorized by law, for the year 1877, which shall not exceed, in the aggregate, the sum of one thousand dollars; and for each succeeding year, for the period of three years, they may assess a like sum, several assessments not to exceed, in the total aggregate, the sum of four thousand dollars, for the purpose of acquiring title to and paying the indebtedness and improving the grounds of the agricultural society of said county.

SEC. 2. In anticipation of the collection of said assessments, the board of county commissioners of said county, may borrow any sum of money, not exceeding one thousand dollars in any one year, for the purpose of paying the indebtedness and improving the grounds of said society, and may issue their bonds for the same, bearing interest at a rate not exceeding seven per centum annually, and to be paid semi-annually.

SEC. 3. Said fund, when collected, shall be under the control of the board of the agricultural society, and shall be set apart and be denominated the "Mercer county agricultural fund," and shall not be used for any other purpose than that designated in section one of this act.

SEC. 4. That before the county commissioners shall issue the bonds of the county, or levy a tax, as provided for in this act, the said agricultural society, by its officers, shall convey to the board of commissioners of Mercer county, all the real estate under the control of said society, and the title thereto shall vest in fee in said county of Mercer; but the control

and management of said society, and the control of the lands and buildings thereof, shall remain and be in the board of directors of the Mercer county agricultural society, and no change shall occur in the management and control thereof, so long as the said society shall comply with the rules and regulations of the Ohio state board of agriculture.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

# AN ACT.

For the relief of Ellis Davis and the sureties on his official bond.

WHEREAS, Ellis Davis, was, in the month of April, A.D. 1874, duly elected as treasurer of Jackson township, Crawford county, Ohio, and duly qualified as such treasurer, and by and with the consent of the trustees of said township, did receive and accept from his predecessor in office, certificates of deposit issued by the banking house of John A. Thoman & Co., of Crestline, in said township, for the funds in the treasury thereof at said time; and,

WHEREAS, Said banking house was, at said time, insolvent; and,

WHEREAS, At the November term, A.D. 1876, of the court of common pleas of the said Crawford county, Ohio, a judgment was rendered against the said Ellis Davis and his sureties on his official bond for the sum of one thousand eight hundred and thirty dollars and seventy two cents; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jackson township, Crawford county, Ohio, are hereby authorized and empowered to release said Ellis Davis and the sureties on his official bond, from said judgment for one thousand eight hundred and thirty dollars and seventy-two cents, and the interest and costs accrued thereon, and from all liability thereon, and to enter satisfaction in full against the same, on the records of the court of common pleas within and for the county of Crawford and state aforesaid:

Provided, that before such release shall be made, and such satisfaction entered, the question shall be submitted to the qualified electors of the said township, at a general or special election, at least ten days' notice of which shall be given prior thereto, by publication in a weekly paper published in said township, and by posting at least twenty notices thereof in public places in said township, and that a majority of the electors voting at such election shall vote in favor thereof; and provided, further, that before such release is made, said certificates of deposit shall be assigned and transferred to the trustees of said Jackson township.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To authorize the board of trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars.

WHEREAS, The village of West Cleveland, Cuyahoga county, Ohio, elected, at a special election held October 13, 1875, a board of water works trustees; and,

WHEREAS, said board of trustees, prior to the passage of the "Burns Bill," duly entered into a contract with the trustees of the water works of the city of Cleveland, Ohio, to supply water for this village; and,

WHEREAS, The passage of said bill prevented, and now prevents, the carrying out of the provisions of said contract; and,

WHEREAS, Detroit street, the main avenue of the village, on which the pipe is contemplated to be laid, is now being graded and otherwise improved, renders the present an exceptionally favorable time for laying the pipe; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of buying pipe and laying the same, and such other material and work as may be needed for providing water for the village of West Cleveland, Ohio, the council of said village, be and is hereby authorized to issue and sell the bonds of said village, not exceeding eight thousand dollars in amount, and of such denominations as said council may determine, not less than one hundred dollars, nor more than one thousand dollars each, signed by the mayor and countersigned by the clerk, payable at such time as the said council may determine, not exceeding ten years after date, bearing a rate of interest not exceeding seven per cent. per annum, payable annually: provided, that said bonds shall not be sold less than their par value. That before the issuing of said bonds the question of issue shall be submitted to a vote of the qualified electors of said village, at a general or special election, ten days' notice of which election shall have been given by posting written or printed notices in at least five public places in said village; and if a majority of the electors voting at such election on said question, shall vote in favor of said issue of bonds, then and not otherwise shall said bonds be issued.

SEC. 2. For the purpose of paying said bonds so authorized to be issued by this act, said council of said village are hereby authorized and empowered to levy a tax upon all the taxable property of said village, as provided by section three hundred and fifty-seven of the municipal code, in addition to the amount already allowed by law, every year during the period said bonds have to run, sufficient in amount each year to redeem that portion of the bonds issued in pursuance of this act, that will fall due during said year, all the accruing interest on said bonds, and the money so raised shall not be used for any other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
Speaker of the House of Representatives.  
H. W. CURTISS,  
President of the Senate.

Passed May 5, 1877.

## AN ACT

To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the territory comprised in sub-district number seven in East Cleveland township, be and the same is hereby created and declared to constitute a special school district: provided, however, that at least a majority of the electors residing within said township shall vote in favor of said special school district at the general election to be held on the second Tuesday of October, 1877.

SEC. 2. Written notices shall be posted by the board of education in six of the most public places in said township, requesting the qualified electors thereof to vote for or against the creation of said special school district. The electors in favor of the proposed district shall write upon their ballots, "School," and those opposed thereto, "No school," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority or more of the ballots so cast in said election be found in favor of the special school district as aforesaid, the electors without further notice, shall proceed on the first Monday of April next, to elect three members of the board of education, one for one year, one for two years, and one for three years, who shall hold their offices for the terms therein specified and until their successors are elected and qualified.

SEC. 4. The said special school district shall be entitled to all the school property belonging thereto, and said special school district shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 5. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To authorize the city council of the city of Hamilton to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city council of the city of Hamilton, Ohio, be and the same is hereby authorized to transfer from the bridge, special street and prison funds, the same being surplus funds and not required in said city, the sum of twenty-one thousand dollars to the following funds: General expense, gas, police, street and poor funds of said city. And said council is hereby authorized to proportion the amounts to the credit of each of the last named funds, as the best interests of said city may require.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To authorize the city council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of South Toledo, Lucas county, Ohio, be and it is hereby authorized to issue bonds, not to exceed four thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, to be of such denominations as the said council may determine, not less than one hundred dollars each; said bonds to be signed by the mayor and countersigned by the city clerk of said city, and payable at any time or times said council may determine, not to exceed four years, and not to be sold for less than their par value, the interest to be paid semi-annually, and the money from the sale of said bonds to be applied to the completion of what is known as the "River Road," running from the city of Toledo to said city of South Toledo, being from the easterly line of said city, where the same is intersected by said road, to such point in said city as said council may determine, the same to be done in the same manner and style as the remaining and other portions of said road; said money to be applied for such purpose, and none other.

SEC. 2. Said council shall have power, and it is hereby made its duty, after the issuing of said bonds, to levy on the taxable property of said city, during the running of said bonds, sufficient tax to pay the interest semi-annually and the principal of said bonds as they may become due, and shall certify to the auditor of said county the percentage by them levied necessary for the payment thereof, and the auditor shall place the same on the duplicate of taxes, and shall collect the same as other taxes, and the money arising from such tax shall be applied to the payment of the principal and interest of said bonds as aforesaid, and to no other purpose whatever: provided, that, before the issue of such bonds, the question of their issue shall be submitted to the qualified electors of said village, at a regular or special election, ten days' notice of which shall have been given by posting notices in writing in five public places in said city, and if a majority of the votes cast shall be in favor of said issue of bonds, then said council shall be authorized to issue them as hereinbefore provided.

SEC. 3. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

PASSED May 5, 1877.

## AN ACT

To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory thereto annexed for school purposes, be and it is hereby authorized to raise, by tax levied on all the taxable

property in said village, and territory thereto annexed for school purposes, a sum not exceeding one thousand dollars, for the purpose of paying indebtedness, and that the said sum be raised in two annual installments—one-half in the year 1877, one-half in the year 1878.

SEC. 2. That the said board of education is hereby authorized to anticipate the amount of money so to be raised, by borrowing such sum, not exceeding the above amount, as shall be necessary to pay said indebtedness; and it is hereby authorized to issue bonds, in any such denominations, and at such rate of interest, not exceeding eight per cent., as the board may determine, and payable any time within three years, at the discretion of said board: provided, that said bonds shall not be sold for less than their par value.

SEC. 3. This act shall take effect and be [in] force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

#### AN ACT

To create a special school district composed of sections seven and eighteen, in Spencer township, and sections eight and seventeen, in Amanda township, in Allen county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby created a special school district, composed of the following territory: Sections seven and eighteen, in Spencer township, and sections eight and seventeen, in Amanda township, in Allen county, State of Ohio.

SEC. 2. Said special school district shall, in all respects, be governed by existing laws as to such school districts.

SEC. 3. This act shall be in force and take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

#### AN ACT

To authorize the trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes, mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Brecksville township, Cuyahoga county, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of building a vault or receptacle for the dead, for the use of the township, to be under the control of the trustees, or such person as

they may appoint: provided, that the trustees shall first submit the question of tax or no tax, for the above named purpose, to the qualified electors of the township at a general election, having given at least twenty days' notice of the same in at least three public places in the township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words, "Tax, for the purpose mentioned, yes," or, "Tax, for the purpose mentioned, no;" and if a majority of all the electors voting at said election upon the question submitted shall vote, "Tax, yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

#### AN ACT

To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.

WHEREAS, Each of two of the precincts of Miami township, Clermont county, Ohio, has a public hall, built by a tax levied upon all the property of said township; and,

WHEREAS, Milford precinct of said township is without a public hall, or place of meeting; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Miami township, Clermont county, are hereby authorized to raise, by a tax levied upon all the taxable property of said township, a sum not exceeding one thousand dollars, to be used by them in building a public hall in Milford precinct of said township.

SEC. 2. That said trustees are further authorized, if in their opinion the above sum is not sufficient for the purposes of this act, to raise an additional sum of not exceeding one thousand dollars, by a tax, to be levied upon all the taxable property of said Milford precinct, to be used in the erection of said public hall; said tax may be levied in one or more years, as may be deemed best.

SEC. 3. That the council of the incorporated village of Milford is hereby authorized to unite with the trustees of said township in the erection of said hall, upon such terms as may be agreed upon; and for that purpose, are authorized to raise by taxation a sum not exceeding one thousand dollars, and may anticipate the taxes so to be raised by issuing the bonds of said village, bearing eight per cent. interest per annum.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 5, 1877.

## AN ACT

For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio, be and he is hereby released from the payment and liability of the township and school funds, to the amount of two thousand and thirty-two dollars and seventy-one cents, being the amount deposited in Boake & Hunt's bank, which has failed, to his account as the treasurer of said township: provided, at some regular election held in said township, as the trustees thereof may determine, they shall submit the question to the qualified voters thereof, as to the release of said treasurer from said payment and liability, after having given notice of said submission, by publication of the same in each of the papers published in said township, for four consecutive weeks prior to said election, and that a majority of the voters of said township voting shall vote for the release of said treasurer: and, provided further, that said treasurer shall assign to the said trustees, all evidence of indebtedness as said treasurer, owned or held by him against said Boake & Hunt, or either of them.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 5, 1877.

## AN ACT

To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for cemetery purposes, and to levy a tax to issue bonds and borrow money to pay therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Marysville, Union county, Ohio, is hereby authorized and empowered to purchase or condemn suitable grounds adjacent to said village, to be used for cemetery purposes, and to issue bonds to pay for the same, not to exceed two thousand dollars in amount, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and to be of such denominations as the said council shall determine, not less than one hundred dollars each. The said bonds shall be signed by the mayor and clerk of said village, and shall be payable at such time or times as the council may determine, not to exceed three years, and shall not be sold for less than their par value.

SEC. 2. The council aforesaid shall have power, and it is hereby made its duty, after the purchase or condemnation of said grounds, to levy a tax on all the taxable property of said village, a sufficient amount to pay the principal and interest of said bonds, as the same shall become due, and shall have certified to the auditor of said county the percentage by it levied necessary for the payment thereof, and the auditor shall place the same on the duplicate of taxes, and shall collect the same as other taxes, and the money arising from such tax shall be, when collected, placed in the treasury of said corporation, to be applied to the payment of the principal and interest of said bonds, and for no other purpose: provided, that said council shall first submit the question of issuing of



bonds of purchase of the grounds, and levying of the tax for the above named purpose, to the qualified electors of said corporation, at a general or special election, having first given ten days notice of the same, by posting said notices in at least five public places in said village; said election to be conducted by the council, as is provided by law for holding corporation elections.

SEC. 3. The electors voting at said election shall have written or printed on their ballots, "Tax for the purchase of cemetery grounds—yes," or "Tax for the purchase of cemetery grounds—no;" and if a majority of all the electors voting at the election upon the question submitted shall vote tax "yes," said grounds shall be purchased and said bonds issued as above provided.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To authorize the commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars, for road purposes therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pickaway county be and they are hereby authorized to use from the bridge fund of said county any sum not exceeding three thousand dollars, for the purpose of establishing and constructing a road near and along the berme bank of the Ohio canal, in Wayne township, of said county, in lieu of constructing bridges otherwise necessary.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To authorize the town council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Findlay, Hancock county, Ohio, is hereby authorized and empowered to purchase a steam fire engine for the use of said village, and said council is hereby authorized to issue bonds for the payment of the same in such amounts and payable at such times as said council may deem proper, and said bonds shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually; provided, however, that said bonds shall not be sold for less than their par value, and said council is authorized to levy annually, upon all

the taxable property of said village, and certify the same to the county auditor to be by him placed on the tax duplicate of said village, an amount sufficient to pay the principal and interest on the said bonds as they become due.

SEC. 2. This act to be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the lands hereinafter described, being and lying in the township of Thorn in Perry county, and Walnut township, Fairfield county, shall constitute a joint sub-school district commencing at the south-west corner of the lands belonging to Peter H. King, thence east to the south-east corner of said King's land; thence north to the north-east corner of the lands belonging to Jacob Lonas; thence east to the south-east corner of the lands belonging to Henry Lonas; thence north to the north-east corner of the lands of said Henry Lonas; thence east to the south-east corner of the lands belonging to Benjamin Bope; thence north to the north-east corner of the lands of said Bope; thence west along the section line between the sections of seven and eighteen to the half section line at the south-west corner of the lands of Benjamin Sult; thence north along said half section line to the north-east corner of the north-west quarter of section number seven; thence west along said section line to the county line road; thence west along the north line of the lands belonging to Margaret Crawford, to the north-west corner of said Crawford's land; thence south along the half section line to the south-west corner of the lands belonging to Elijah Berry; thence east to the north-west corner of the lands belonging to J. W. Holt; thence south to the south-west corner of said Holt's land; thence east to the county line road: provided, however, that a majority of the electors residing within said territory shall vote in favor of said joint sub school district after five days notice by posting notices in three conspicuous places in said joint sub-district.

SEC. 2. Written notices shall be posted for five days in three of the most public places in said territory, signed by at least six resident electors of said proposed joint sub-district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notice, then and there to vote for or against the creation of said joint sub-school district. The electors assembled at the time and place designated in said notice, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P.M. The electors in favor of the proposed joint sub-school district, shall write or print upon their ballots "Joint sub-school district," and those opposed thereto, "No joint sub-school district," a majority of the ballots so cast shall determine the question whether or not the said proposed joint sub-school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the joint sub-school district as aforesaid, the electors shall at once proceed to elect three members of the board of education, one for one year, one for two years, and one for three years, from the third Monday in April next thereafter, who shall hold their offices for the terms specified, and until their successors are elected and qualified.

SEC. 4. Said joint sub-school district shall be under the control and subject to the jurisdiction of the board of education of Thorn township in the same manner and to the same extent as if the territory composing said joint sub-district was situated in said township of Thorn.

SEC. 5. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

Authorizing the county commissioners of Gallia county to build a court-house, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Gallia, be and they are hereby authorized to build a court-house, and for that purpose they are hereby authorized to [issue] the bonds of said county, not exceeding in amount the sum of twenty-five thousand dollars.

SEC. 2. Said bonds may be in denominations of not less than one hundred nor more than one thousand dollars, bearing interest at not exceeding seven per cent. per annum, payable semi-annually, and payable at such times as said commissioners shall deem for the best interests of of said county, but in no case more than ten years from the date thereof, and shall not be sold for less than their par value.

SEC. 3. For the purpose of paying the interest on said bonds and the principal of the same, as they shall become due, there shall be annually levied a sufficient tax upon all the taxable property in said county, in addition to the taxes now by law allowed to be levied therein.

SEC. 4. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Marysville, Union county, be and is hereby authorized, for the purpose of raising money for the erection of a town

hall and engine-house in said village, as provided by ordinance of the said council and the vote of the citizens of said village, to issue and sell the bonds of said village, not exceeding thirteen thousand dollars in amount, of such denominations as said council may determine, not less than fifty dollars nor more than five hundred dollars each, signed by the mayor and clerk of said village, payable at such time as said council may determine, not exceeding twelve years after date, bearing a rate of interest not exceeding eight per cent per annum, payable semi-annually; and not to be sold in any event for less than their par value.

SEC. 2. That, for the purpose of paying said bonds and the interest thereon as the same may become due, said council is hereby authorized to levy a tax on all the taxable property of said village, in addition to the tax now authorized by law, not exceeding four mills on the dollar in any one year, and the money so raised shall not be used for any other purpose than for the payment of said bonds and interest: provided, the question to issue bonds for the erection of said town hall and engine-house shall first be submitted to a vote of the qualified voters of said village, at a general or special election to be held in said village, after giving ten days' notice by posting written or printed notices in at least five of the most public places in said village, and a majority of the qualified voters voting in favor of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To repeal an act entitled "An act to create a special school district in school districts numbers six and seven, in Norwich township, Franklin county, Ohio, and school districts numbers four and five, in Brown township, in said county, and school district number two, in Prairie township, in said county," passed April 21, A.D. 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to create a special school district in school districts numbers six and seven, in Norwich township, Franklin county, Ohio, and school districts numbers four and five, in Brown township, in said county, and school district number two, in Prairie township, in said county," passed April 21, A.D. 1877, be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To enable the trustees of Marion township, Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of the township of Marion, in the county of Frank-

lin, be and they are hereby authorized if, in their opinion, it would be for the general convenience of the citizens of said township, to establish the voting place for said Marion township, at such place in the city of Columbus as they may deem most convenient to the voters of said township.

SEC. 2. This act shall take effect on its passage.

*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

To authorize the council of the incorporated village of Medina to purchase a fire engine, and provide money to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the council of the incorporated village of Medina, Medina county, Ohio, be and it is hereby authorized to purchase for the use of said village a fire engine, and for the purpose of paying for such engine the said council is authorized to borrow a sum of money, not exceeding three thousand dollars, and issue bonds therefor, the said bonds to be five in number for equal sums, drawing interest at a rate not exceeding eight per cent. per annum, and payable one in one year, one in two years, one in three years, one in four years, and one in five years after date; and the council of the said village shall provide, by tax levied on the property of the said village of Medina, for the redemption of the said bonds as they severally become due.

SEC. 2. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

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#### AN ACT

For the relief of J. D. Phillips, treasurer of Hicksville special school district.

WHEREAS, It is represented to this general assembly, by a large number of the legal voters of Hicksville special school district, in Defiance county, Ohio, that on or about the 29th day of November, A.D. 1876, one J. D. Phillips, then treasurer of said special school district, being in possession of the sum of four hundred and fifty dollars, appropriated by said special school district to pay interest upon bonds issued by said special school district, was, while on his way to pay such interest, robbed of said sum of four hundred and fifty dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of Hicksville special school district, be and they are hereby authorized to release said J. D. Phillips from the payment of said sum of four hundred and fifty dollars.

SEC. 2. That before said board of education shall be authorized to re-

lease said J. D. Phillips from said liability, the question of such release shall first be submitted to the voters in said district, at a general or special election, ten days' notice of which shall have been given by posting the same in at least five public places in said district, and in case two-thirds of such votes shall be in favor of such release, said board of education may release said J. D. Phillips from said liability as provided in the first section of this act.

SEC. 3. This act shall be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

#### AN ACT

To authorize the commissioners of Athens county to pay certain indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the county commissioners of Athens county, be and they are hereby authorized to pay the unpaid balances of the indebtedness incurred by a certain committee of citizens of said county for the purchase of a site for the Athens hospital for the insane, if, in the opinion of such board, such payment is just and equitable, and the amount does not exceed thirty-five hundred dollars; and such commissioners are authorized to appropriate such amount out of the general fund of said county.*

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Passed May 7, 1877.

# JOINT RESOLUTIONS.

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## JOINT RESOLUTION

Providing for joint convention to witness the counting of the vote for secretary of state.

*Resolved by the General Assembly of the State of Ohio,* That the houses of the general assembly meet in joint convention in the hall of the house of representatives, on Friday, January 5th, at 3:30 o'clock P.M., to witness the counting of the vote for secretary of state, in accordance with the third section of article third of the constitution of the state.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Adopted January 5, 1877.

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## JOINT RESOLUTION

Directing the auditor of state to defer the sale of certain lands herein mentioned.

WHEREAS, By the act of April 29, 1872, the auditor of state is authorized to advertise and sell for cash, at a sum not less than the appraised value, certain lands belonging to the state of Ohio, contiguous to the Mercer county and Lewistown reservoirs; and,

WHEREAS, In accordance with said act, the auditor of state has advertised said lands to be sold January 10th and 11th; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That the auditor of state be directed to defer said sale until such time as may be deemed for the best interest of the state.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Adopted January 8, 1877.

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## JOINT RESOLUTION

Requiring the commissioner of railroads and telegraphs to report date of last inspection of the Ashtabula bridge and its condition at that time.

*Resolved by the General Assembly of the State of Ohio,* That the state commissioner of railroads and telegraphs be required to report to this body, at his earliest convenience, the date of his last inspection of the wrecked bridge at Ashtabula, giving his opinion of its condition at that time,

and whether or not it was of sufficient strength to support a double track, and whether or not, in his opinion, it was a bridge safe for public travel to pass over.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem. of the Senate.*

Adopted January 11, 1877.

#### JOINT RESOLUTION.

Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula.

*Resolved by the General Assembly of the State of Ohio,* That a joint committee be appointed, consisting of five on the part of the house and three upon the part of the senate, to investigate the cause or causes of the recent accident by the giving away of a bridge on the Lake Shore road at or near Ashtabula, on the evening of Friday, December 29, 1876, and which was so disastrous to human life and property, and to inquire whether any additional legislation is necessary to render travel by rail more secure; and in order that the investigation may be made thorough and complete, it be empowered to employ a short-hand reporter, and to send for persons and papers.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem. of the Senate.*

Adopted January 12, 1877.

#### JOINT RESOLUTION

Authorizing the commission to consolidate the statutes, to occupy the rooms of the comptroller of the treasury as soon as vacated.

*Resolved by the General Assembly of the State of Ohio,* That the commission to revise and consolidate the statutes, be and is hereby authorized and directed to use and occupy for the purposes of said commission, the rooms in the state house recently used by the comptroller of the treasury at their earliest convenience, and that the adjutant general be directed to prepare the said rooms for said commission immediately.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS L. YOUNG,  
*President of the Senate.*

Adopted January 18, 1877.

#### JOINT RESOLUTION

Authorizing the Attorney General to approve certain contract.

**WHEREAS,** on account of certain informalities in advertising, the attorney general of Ohio does not feel warranted in approving the contract made by the trustees of the Central insane asylum, for erecting and completion of gas works required and duly authorized for said institution, and,



WHEREAS, said contract is, in the judgment of the trustees, and of the attorney general in all respects the best for the state, that the trustees are able to secure; now therefore,

*Resolved by the General Assembly of the State of Ohio,* That the attorney general is hereby authorized to approve the contract, notwithstanding said informality in advertising.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Adopted January 18, 1877.

#### JOINT RESOLUTION

Providing for the distribution of the "History of education in Ohio."

*Resolved, by the General Assembly of the State of Ohio,* That the commissioner of common schools be instructed to distribute the copies of the "History of education in Ohio," published in accordance with an act passed January 25, 1876, making appropriations for deficiencies and partial appropriations for the year 1876, as follows, to wit: two copies each to the members and officers of the general assembly, one copy each to the regular newspaper reporters of the house and senate; and one copy each to the public libraries, academies and colleges of the state. After such distribution is made, the remaining copies to be distributed by the governor and commissioner as in their discretion will best subserve the interest of education in the state.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Adopted January 18, 1877.

#### JOINT RESOLUTION

Relative to mileage for the officers of the Senate and House of Representatives.

WHEREAS, by resolution the clerks and sergeants-at-arms of the senate and house of representatives are allowed mileage, and,

WHEREAS, no provision is made therefor in present appropriations; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That there be paid out of the funds appropriated for per diem and mileage of members of the general assembly, the sum of four hundred and forty two dollars and ninety-two cents (\$442.92), to be paid upon the certificate of the presiding officers of the respective houses.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem of the Senate.*

Adopted January 31, 1877.

## JOINT RESOLUTION

Requiring the secretary of state to procure copies of Walker and Bates' Digest, for the use of the General Assembly.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be required to procure six copies of Walker and Bates' Digest of the reported cases decided by the supreme court of Ohio, three copies for the use of each house. The sergeants-at-arms, at the close of each session, shall deliver said books to the law librarian, who shall receive them, and they shall be and remain under his control at all times when the legislature is not in session.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 1, 1877.

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## JOINT RESOLUTION

Instructing the attorney-general to ask leave of the supreme court to file an information in the case of Charles L. Wilson, medical superintendent of the Athens hospital for the insane.

WHEREAS, One Charles L. Wilson, a resident of the state of Indiana, and not an elector of the state of Ohio, has been appointed to the position of medical superintendent of the Athens hospital for the insane; and,

WHEREAS, The said Wilson has taken the oath of office and possession of said office; be it

*Resolved by the General Assembly of the State of Ohio,* That the attorney-general of the state of Ohio be instructed to ask leave of the supreme court of Ohio to file an information, in the nature of a quo warranto, against said Charles L. Wilson, to test his eligibility to the office of medical superintendent of the Athens hospital for the insane.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 1, 1877.

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## JOINT RESOLUTION

Directing the supervisor of public printing to print additional copies of the report of the commissioner of common schools.

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be directed to have printed two thousand copies of the report of the commissioner of common schools, in addition to the number already authorized by law.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President pro tem. of the Senate.*

Adopted February 8, 1877.

## JOINT RESOLUTION

Authorizing the attorney-general to appear in the suit of the Pullman Palace Car Company against the treasurer of Clinton county.

*Resolved by the General Assembly of the State of Ohio, That the attorney-general be authorized to appear, on behalf of the state, in the suit of the Pullman Palace Car Company against the treasurer of Clinton county, and take such action as in his judgment is best calculated to protect the interest of the state.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 15, 1877.

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## JOINT RESOLUTION

Providing for the publishing of a law omitted from the publication of laws for the year 1876.

WHEREAS, In the publication of the laws of Ohio for the year 1876, there was an omission to publish an act entitled "an act to authorize the trustees of Green township, Hocking county, to levy a special tax for the relief of Nicholas Blancet; therefore,

*Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to cause said act to be published, from the original manuscript of enrollment, in the volume of laws for 1877, and a foot note of explanation of said publication.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 22, 1877.

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## JOINT RESOLUTION

Directing the superintendent of the state house to construct shelving in room ninety-one, for the use of the clerk of the supreme court.

*Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house be and he is hereby directed to construct and place in room ninety-one of the state house suitable enclosed shelving, for the use of the clerk of the supreme court in filing away supreme court records.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 22, 1877.

## JOINT RESOLUTION

Directing the officers of the Dayton hospital for the insane, to receive Mills Lauser in said institution.

WHEREAS, Mills Lauser, a native and resident of Warren county, in this state, removed to the city of New York, in 1873, and returned to Warren county with the intention of regaining his residence in the state about ten months ago; and,

WHEREAS, the said Lauser is now insane and cannot be admitted into any of our hospitals for the insane, until he is in the state one year, and regained his citizenship; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the officers of the hospital for the insane at Dayton, be and they are hereby authorized and directed to receive said Lauser into said institution.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Adopted February 23, 1877.

## JOINT RESOLUTION

Providing for the appointment of a joint committee to extend courtesies to a visiting committee from the legislature of the State of Indiana.

WHEREAS, The legislature of the state of Indiana has appointed a committee of its members to visit some of the benevolent institutions of this state; therefore,

*Resolved by the General Assembly of the State of Ohio,* That a committee of five on the part of the house and three on the part of the senate be appointed to receive said legislative committee from our sister state, and render such assistance and attention as the circumstances may require.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Adopted February 23, 1877.

## JOINT RESOLUTION

Providing for the printing of the report of the Fish Commissioners.

*Resolved by the General Assembly of the State of Ohio,* That one thousand copies of the report of the fish commissioners of Ohio for 1876, be printed in pamphlet form for general distribution.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President pro tem. of the Senate.*

Adopted February 24, 1877.

## JOINT RESOLUTION

Instructing the superintendent of the hospital for the insane, at Dayton, Ohio, to receive for treatment and restraint an insane citizen of Wales, now confined in the county infirmary of Van Wert.

WHEREAS, There is now confined in the county infirmary of Van Wert county an insane person, who is a citizen of Wales; and,

WHEREAS, By law he can not be admitted into any one of our hospitals for the insane in the state of Ohio; and,

WHEREAS, The physician of said infirmary gives it as his opinion that the said insane person is curable under proper treatment and restraint; and,

WHEREAS, such treatment and restraint can not be rendered in said infirmary; and,

WHEREAS, Humanity demands that this person should be properly treated and cared for; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the superintendent of the Dayton hospital for the insane be instructed to receive this said insane person into that hospital, for treatment and restraint.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Adopted February 27, 1877.

## JOINT RESOLUTION

Asking congress for an appropriation for the erection of a light-house and a fog-signal on Stannard's Rock, Lake Superior.

WHEREAS, The light-house board have for several years deemed it necessary to the interest of commerce that a light-house and fog-signal should be erected on Stannard's Rock, in Lake Superior; and,

WHEREAS, A bill making an appropriation therefor has been introduced in the house of representatives, but has not yet been acted on; and,

WHEREAS, The great and increasing commerce of our lakes (exceeding our ocean tonnage) imperatively demands the prosecution and completion of the work named, at an early day; therefore,

*Resolved by the Senate and House of Representatives of the State of Ohio*, That our senators and representatives in congress be requested to use all honorable means to procure the necessary appropriation for the erection of a light-house and fog-signal on Stannard's Rock, Lake Superior, under the superintendence of the light-house board.

*Resolved*, That his excellency the governor be requested to transmit copies of the foregoing preamble and resolution to each of our senators and representatives in congress.

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

THOS. L. YOUNG,

*President of the Senate.*

Passed February 28, 1877.

## JOINT RESOLUTION

Directing the adjutant-general to procure a record of deceased soldiers of the state whose graves are not marked.

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and he is hereby authorized and required to ascertain as speedily as possible the names of all union soldiers who have been buried during and since the late rebellion, and whose graves are not marked by any headstone or other monument, and to record the names of such soldiers in a suitable book to be kept for that purpose, together with the company and regiment, or battery, to which such soldier may have belonged.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
 THOS. L. YOUNG,  
*President of the Senate.*

Adopted February 28, 1877.

## JOINT RESOLUTION

In regard to the dating of pensions allowed by the United States government.

*Resolved by the House of Representatives, the Senate concurring,* That our senators and representatives in congress be respectfully requested to use their influence for the passage of house bill number 2803, and in accordance with the sixth and seventh sections of senate bill number 2454, both favorably reported from the respective committees on pensions in congress, allowing pensions to date from the discharge in case of the soldier, and from the death of the husband in case of widows.

*Resolved,* That a copy of these resolutions, properly certified, be sent to each of our senators and representatives in congress.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 THOS. L. YOUNG,  
*President of the Senate.*

Adopted March 1, 1877.

## JOINT RESOLUTION

Providing for the admission of James W. Christie into the Dayton hospital for the insane.

WHEREAS, James W. Christie, born and raised in Clarke county, Ohio, and, until recently, a citizen of the state, but at present a citizen of the state of Kansas, and at this time residing with his father at Springfield, Ohio, and from sickness has become insane; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the Dayton hospital for the insane be and he is hereby authorized and required to admit the said James W. Christie into said hospital, under the same rules and regulations as other inmates are admitted under existing laws.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted March 12, 1877.

## JOINT RESOLUTION

Providing for the printing of additional copies of the secretary of state's report, for distribution among the members.

*Resolved by the General Assembly of the State of Ohio*, That there be printed and bound in muslin, in the usual manner, twelve thousand copies of the secretary of state's report for the year 1876, for the use of and to be equally distributed to the members of the present general assembly. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of the general assembly what number of the report he is entitled to receive he wishes in the German language; the aggregate amount so determined shall be the number authorized to be printed in German, and they shall be distributed accordingly, and in the manner that each member may indicate to the secretary of state: provided, that in the printing of the copies herein provided for, there shall be no charge for composition.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted March 17, 1877.

## JOINT RESOLUTION

Relative to the election of a United States Senator, vice John Sherman resigned.

*Resolved by the General Assembly of the State of Ohio*, That on Tuesday, March 20, A. D. 1877, at 12 o'clock M. of said day, we proceed, in accordance with law, to the election of a United States Senator to fill the vacancy occasioned by the resignation of John Sherman.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted March 22, 1877.

## JOINT RESOLUTION

Providing for a joint meeting of the two houses for the election of a United States senator.

*Resolved by the General Assembly of the State of Ohio*, That the two houses of this general assembly meet in joint assembly in the hall of the house of representatives on Wednesday, March 21, 1877, at 12 M., for the purpose of such action as may be necessary relative to the question of United States senator.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted March 22, 1877.

## JOINT RESOLUTION

Endorsing the principles and measures expressed by President R. B. Hayes, in his letter of acceptance and inaugural address.

WHEREAS, Rutherford B. Hayes, president of the United States, in his inaugural address declares that the pacification and peace of the country depends upon the adoption of such principles and measures as will secure

the complete protection of all citizens in the free enjoyment of all their constitutional rights; and,

WHEREAS, The said president has foreshadowed his policy by his letter of acceptance, and has declared in his inaugural address that he still adheres to the policy thus foreshadowed, and will endeavor to carry the principles thus enunciated into full force and practical effect; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That our views are in accord with the sentiments thus expressed by the president of the United States, in regard to the pacification of the country, and that we heartily approve and endorse the principles and measures in regard thereto, enunciated in his letter of acceptance and reiterated in his inaugural address.

*Resolved*, That we have full confidence in the patriotism, honor and honesty of Rutherford B. Hayes, president of the United States, and believe that he will in good faith adhere to his former declarations, and will, as fast as within his power, carry them out in the practical administration of the government.

*Resolved*, That we pledge our co-operation, and will use every means within the power of the state, to give endorsement, aid and assistance in carrying into practical effect this, the one great object in our public affairs, to wit, the pacification of the country, by doing away with all animosities and sectional hate.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted March 30, 1877.

#### JOINT RESOLUTION

Providing for the treatment and restraint of Erastus Sinkler.

WHEREAS, Erastus Sinkler, an insane person, now resides and has resided in the township of Trumbull, Ashtabula county, Ohio, ever since December, A.D. 1875, and it is the opinion of physicians, and the belief of friends that with proper treatment he can be restored to reason and fully cured; but said Sinkler became insane within two years last past, in the state of New York, and under the laws of this state he can not be admitted into either of the hospitals for the insane; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the superintendent of the Cleveland hospital for the insane be, and he is hereby instructed to receive said Erastus Sinkler for treatment and restraint.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted March 30, 1877.

#### JOINT RESOLUTION

Requesting the board of public works to report forthwith the rates of tolls and exemptions on the Western Reserve and Maumee road.

WHEREAS, The rates of toll authorized under the several acts incorporating many of the plank-road and turnpike companies of this state, are regulated by the rates which are authorized by the board of public works to be charged upon the Western Reserve and Maumee road; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the board of public works are hereby requested forthwith to report to the general as-



sembly what rates of tolls, and what exemptions are now authorized by them upon said Western Reserve and Maumee road

*Resolved*, That the board of public works cause said report to be recorded in their office as well as any changes which may hereafter be made by them in said rates or exemptions, for the benefit of whom it may concern.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted March 30, 1877.

#### JOINT RESOLUTION

Providing for the printing of two thousand additional copies of the report and accompanying documents of the Ashtabula bridge disaster.

*Resolved by the General Assembly of the State of Ohio*, That there be printed two thousand extra copies of the report and accompanying documents of the joint committee to investigate the Ashtabula bridge disaster, to be distributed as follows:

Five hundred to the commissioner of railroads and telegraphs, and the residue to the members of the general assembly.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted March 30, 1877.

#### JOINT RESOLUTION

Relating to the death of Abner Haines, senator from Preble county.

*Resolved by the General Assembly of the State of Ohio*, That the sudden and unexpected death of the Hon. Abner Haines, senator from Preble county, calls for such action of the general assembly as shall testify to our esteem for the man, as well as respect for the position he occupies.

*Resolved*, That meeting death as did the deceased, at the post of duty, the state properly assumes the charge and expenses of transmitting his remains to his late residence at Eaton, Ohio.

*Resolved*, That three members of the senate and five members of the house be selected as pall-bearers, to take charge of and accompany the remains, they to select one of their number to take the chief direction.

*Resolved*, That the members of the senate and house of representatives be requested to act in a body, under the direction of the sergeants-at-arms of the senate and house, as a funeral escort, from East State street, number 116, to the railroad depot, at three o'clock P.M., to-day.

*Resolved*, That the sergeant-at-arms of the senate accompany the committee of escort with the remains to Eaton.

*Resolved*, That the sergeant-at-arms of the senate be instructed to appropriately trim in mourning for the remainder of this session, the desk of the deceased senator.

*Resolved*, That the general assembly, in honor of the deceased, and as a mark of respect, adjourn at half-past twelve, to-day.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted March 30, 1877.

## JOINT RESOLUTION

Relative to an amendment of articles four and eleven of the constitution, reorganizing the judiciary of the state of Ohio.

*Be it resolved by the General Assembly of the State of Ohio (three-fifths of all the members elected to each house concurring therein), That a proposition to amend the constitution of the state of Ohio be submitted to the electors of the state, on the second Tuesday of October, A.D. 1877, as follows, to wit:*

That sections one, three, five, six, eight, twelve, fourteen, fifteen, sixteen and eighteen, of article four, be amended so as to read as follows, and section seven of article four, and sections twelve and thirteen of article eleven be repealed.

## ARTICLE IV.

Section 1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common pleas, justices of the peace, and such other courts inferior to the supreme court in one or more counties as the general assembly may from time to time establish. The superior courts of Cincinnati and Montgomery county shall continue until otherwise provided by law.

Section 3. The court of common pleas shall be holden by one judge, who shall be elected by the voters of the district, and said court shall be open at all times for the transaction of business, Sundays and holidays excepted. Each county now existing, or hereafter formed, shall constitute a separate common pleas district, and each district shall be known by the name of the county composing the district.

Section 5. Each district court shall consist of one judge, who shall be elected by the voters of the district. There shall be elected one or more judges in each district, and there shall be held annually, not less than three sessions in each county in the state. The legislature shall divide the state into district court districts, not exceeding twenty in number, and shall assign to each common pleas and district court district, the number of judges required to dispose of the business therein. Each district shall be composed of compact territory, bounded by county lines, and as nearly equal in population as practicable. A concurrence of three-fifths only of all the members elected to both houses, shall be required for the first apportionment, or to determine the number of judges required in each district court and common pleas district, under this amendment, but no change shall thereafter be made without the concurrence of two-thirds of all the members elected to both houses. Sections twelve and thirteen of article eleven are hereby repealed; the repeal to take effect when the legislature makes the apportionment mentioned in this section.

Section 6. The district court shall have like original jurisdiction with the supreme court, and such appellate or other jurisdiction as may be provided by law.

Section 8. The general assembly may provide by law for a judge *pro tempore*, to hold any court when the judge thereof is disqualified by sickness or otherwise to hold said court.

Section 12. The judges of the district, and of the courts of common pleas, shall, while in office, reside in the district in which they are elected, and their term of office shall be five years; but the legislature

may provide by law that any judge of the common pleas court shall hold that court in any other common pleas district; and that any judge of the district court shall hold that court in any other district for that court than the one in which he resides; and judges of the common pleas may temporarily exchange districts with each other; and two or more common pleas courts may be held at the same time in the same district, and two or more district courts may be held at the same time in a district of that court.

Section 14. The judges of the supreme court, the district courts, and of the courts of common pleas shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased or diminished during their term of office, but they shall receive no fees or perquisites, nor hold any other office of trust or profit under the authority of any state, or of the United States. All votes for either of them for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people, shall be void.

Section 15. The general assembly may increase or diminish the number of the judges of the supreme court, the number of the districts of the district courts, the number of judges in any common pleas or district court district, change any district court district, establish other courts, abolish the probate court in any county, or any other court established by law, whenever two-thirds of the members elected to each house shall concur therein; but no such change shall vacate the office of any judge. The court of common pleas provided for in this amendment, shall be the successor of the present probate court, and courts of common pleas in each county. The district courts herein provided for, shall be the successors of the present district courts; and all the books, records, papers and business, in or appertaining to said courts, shall be transferred to their successors under this amendment. The existing probate court is hereby abolished in each county, at the close of the term for which the judge thereof was elected, first occurring after the election of common pleas judges under this amendment, and the clerks in the courts of common pleas and district courts, shall be the clerks in the courts herein provided until their successors are elected and qualified; but the supreme court shall appoint its own reporter.

Section 16. There shall be elected in each county by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein, but the general assembly may provide by law for the election of a clerk with a like term of office, for each or any other of the courts of record, or for the appointment by the supreme court of a clerk for that court.

Section 18. The several judges of the supreme court, of the district and common pleas, and of such other courts as may be created, shall respectively have and exercise such power and jurisdiction at chambers, or otherwise, as may be directed by law.

The term of office of all judges of common pleas and district courts provided for in this amendment, shall commence on the first Monday in January next after the making of the apportionment provided for in section five of article four; and the term of office of all judges of the courts of common pleas, in office, who were not elected as judges under this amendment, shall then expire. No change shall be made by this

amendment in the supreme court, or in the office or term of any judge thereof. The first election of judges of common pleas and district courts under this amendment shall be held at the general election for the election of state officers next after making said apportionment for district court districts by the legislature, but nothing in this amendment shall be construed to change or alter the constitution or laws until said apportionment is made. Section seven of article four is hereby repealed, and section twenty-two shall be numbered section seven.

#### FORM OF BALLOT.

At said election, the voters desiring to vote in favor of the adoption of this amendment, shall have placed upon their ballots the words, "Judicial constitutional amendment, yes;" the voters who do not favor the adoption of said amendment, shall have placed upon their ballots the words, "Judicial constitutional amendment, no."

O. J. HODGE,

*Speaker pro tem. of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted April 6, 1877.

#### JOINT RESOLUTION

Providing for the safe keeping of the Centennial Album.

*Resolved by the General Assembly of the State of Ohio,* That the state treasurer be and he is hereby authorized and required to receive and safely keep in the vault of the treasury, a small package, encased in tin, containing the centennial album of the celebration at Columbus, Ohio, July 4, 1876, and such package shall be delivered by the state treasurer in the year 1876, to any committee having charge, at that place, of the second centennial celebration.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted April 11, 1877.

#### JOINT RESOLUTION

Relative to the printing and distribution of the report of the Ohio Board of Centennial Managers.

*Resolved by the General Assembly of the State of Ohio,* That fifteen thousand copies of the report of the Ohio board of centennial managers be, with as little delay as possible, printed, in book form, and bound in muslin; and that seventy dollars be paid from the fund for state printing to procure the additional engravings necessary to the proper completion of the work.

*Resolved,* That the volumes be equally distributed, as follows: Two hundred (200) copies to the state board of centennial managers; six hun-

dred (600) copies to the state officers; five hundred (500) copies to schools and colleges, and for exchange with other states; three hundred (300) reserve copies to be placed in the state library; two thousand (2,000) copies to be placed in care of the state librarian for distribution by a future general assembly, and eleven thousand four hundred (11,400) copies for the use of the members and officers of the sixty-second general assembly; and that the secretary of state be hereby directed to forward, soon as printed and bound, the same to the address of the said members and officers respectively; and that he is hereby further directed to pay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals and public documents.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted April 11, 1877.

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#### JOINT RESOLUTION

Granting the Scioto Valley Railway Company the right of way along a certain part of the tow-path of the Ohio canal.

*Resolved by the General Assembly of the State of Ohio,* That the board of public works of the state be and they are hereby authorized to permit the Scioto Valley Railway Company to use and occupy, for the road-bed of the railway of said company, such part or parts of the eastern bank of the Ohio canal, between what is known as Renick's bridge, across said canal, near the Indian creek culvert, in Scioto township, Ross county, Ohio, and what is known as Higby's bridge, across said canal, near the guard-lock, in Franklin township, in said county, as, in the opinion of said board, may be so used and occupied without obstruction to navigation or injury to said canal: Provided, that before said railway company shall be permitted to use, or occupy, or interfere with any part or parts of the said eastern bank or towing-path of said canal, the said company shall prepare and put in good condition for use, under the direction of the resident engineer of the second division of the public works, and to the acceptance of said board, another towing-path on and along the western or berme bank of said canal, between the said points above named and described, for the same part or parts of said canal so taken and occupied, with all needful bridges to pass and repass said towing-path from one side of said canal to the other; and provided further, that no permission shall be granted by the board of public works for any such use or occupancy of the said eastern bank of said canal, or any part thereof, until said railway company shall have secured the written consent therefor of the lessees of the public works; provided further, that said railroad company, before taking possession thereof, shall enter into a contract with the state of Ohio, to be prepared by the attorney-general, binding said company, their lessees, assigns, or any person or persons occupying the same, to forever keep said canal lands and eastern bank, taken possession of by them, in good repair for canal purposes, which repairs shall be made under the direction of the board of public works; and in case said company shall refuse to repair said bank when requested by the board, the right of said company to use or occupy said lands or bank shall cease,

and the state shall be entitled to the possession thereof, and shall execute a bond to the state of Ohio in the penal sum of twenty thousand dollars, conditioned that the company will keep and perform said contract on their part, and will save the state from all expense or liability of every nature whatever, caused by said company taking possession of and using said canal lands or embankment, and all damages growing out of the same; said bond to be prepared by the attorney-general.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted April 20, 1877.

#### JOINT RESOLUTION

Authorizing the adjutant-general to loan battle flags, artillery, muskets, and infantry accoutrements to the executive committee of the fourth annual reunion of ex-soldiers and sailors, to be held at Marietta, in September, 1877.

WHEREAS, The fourth annual national reunion of ex-soldiers and sailors, irrespective of party or section, will be held in the city of Marietta, on the third, fourth, fifth and sixth days of September, 1877; and,

WHEREAS, The veterans of Ohio have expressed a desire to have their old battle flags displayed at said reunion, and to have artillery and small arms furnished by the state; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and he is hereby authorized to forward to the executive committee of said national reunion, on or before September 1, 1877, all battle flags in his custody of regiments that will be represented at said reunion, said flags to be exhibited only under cover, and returned by said committee in good order immediately on the adjournment of said reunion.

*Resolved,* That the adjutant-general is hereby further authorized, in like manner, at said time, to ship to said committee two pieces of artillery and five hundred muskets and infantry accoutrements complete; provided, the same are at the disposal of the state at said time, the same to be returned in good order with the battle flags without any expense to the state of Ohio.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 SAMUEL KNOX,  
*President pro. tem. of the Senate.*

Adopted April 21, 1877.

#### JOINT RESOLUTION

Relative to the restoration of the silver dollar to its former rank as lawful money.

*Resolved by the General Assembly of the State of Ohio,* That common honesty to the tax-payer, the letter and spirit of the contract under which the

great body of its indebtedness was assumed by the United States, and true financial wisdom, each and all demand the restoration of the silver dollar to its former rank as lawful money.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 24, 1877.

#### JOINT RESOLUTION

Directing the Secretary of State to return to the chairman of joint committee on Enrollment S. B. No. 247.

WHEREAS, An error has been discovered in the enrollment of S. B. No. 247, by Mr. Bates, "Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869, passed April 11, 1877; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state is hereby directed to return the same to the chairman of the joint committee on enrollment.

O. J. HODGE,  
*Speaker pro tem. of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 24, 1877.

#### JOINT RESOLUTION

Giving the adjutant general care and control of the flag-room, flags and other relics deposited therein.

*Resolved by the General Assembly of the State of Ohio,* That the flag-room in the state house, and the flags and other relics deposited therein, shall hereafter be under the care and control of the adjutant general, and he is hereby authorized and instructed, on application, in writing, of the president and secretary of any association composed of members of any regiment or battery of this state, having flags deposited in said room, to deliver to any such association the stands of colors of any such regiment or battery, to be used only at the general meetings or reunions of such associations, and for no other purpose, to be returned by such officers within thirty days after said meetings or reunions, to said adjutant general; and on failure to return any stand of colors obtained under the provisions of this resolution, all further rights and privileges of such regiment or organization so failing to return such flags or standards under the same, shall be forfeited. The adjutant general shall publish in his report annually this resolution, and a list of flags on deposit, by what regiments and batteries deposited, and if withdrawn, for what purpose, and by what associations; and he is also authorized and directed to procure suitable cases for the flag room, in which said flags may be placed for the purpose of preserving the same.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 24, 1877.

## JOINT RESOLUTION

Providing for the care and treatment of insane convicts.

WHEREAS, There are at present some fifty odd convicts in the penitentiary, for whose proper treatment no adequate provision is made, and whose condition is pitiable, indeed, and whose presence in the present overcrowded state of the prison renders discipline difficult, and involves danger to life and property; and,

WHEREAS, It is believed that quite a number of the cases of insanity occurring in the prison would yield to proper treatment; and,

WHEREAS, Under existing provisions of law and precedent, the governor may suspend sentence in such cases, allowing the removal of prisoners for treatment in the state hospital for insane; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the governor be and he is hereby requested, upon the concurrent recommendation of the warden and physician of the penitentiary, and the approval of the superintendent of the Columbus hospital for the insane, to order the suspension of sentence of any convict thus recommended for transfer from the penitentiary to said hospital, under provisions of law in such case made and provided.

*Resolved,* That the subject of permanent provision for proper hospital care of insane convicts, be referred to the board of state charities, and the chairman of the board of directors of the penitentiary, and that they constitute a commission to take the subject of such permanent provision under consideration, and report to the next general assembly such plan of relief as in their judgment may seem best.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted April 24, 1877.

## JOINT RESOLUTION

Requiring the proceeds of the sale of certain lands to be placed to the credit of the fund of the Ohio Agricultural and Mechanical College.

WHEREAS, The board of public works, by virtue of an act of the general assembly passed April 29, 1872, requiring them to survey, appraise, and return to the auditor of state certain lands in that act specified, and the auditor to sell the same, did, by mistake, appraise, and, on the 30th of August, 1875, the auditor sold to Collins Wright and A. Kuhns eighty-six and sixty-nine hundredths acres of land in the Virginia military district, embraced within the provisions of the acts of congress of February 18, 1871, granting the unsurveyed and unappropriated residue of said lands to this state, which were, by the act of the general assembly passed April 30, 1873, conveyed to the Ohio Agricultural and Mechanical College; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the proceeds of said sale, amounting to the sum of thirteen hundred and eighty-seven dollars, with the interest thereon from the date of said sale, be placed to the credit of said college fund, as provided and required by the sixth section of said act of April 3, 1873.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted April 24, 1877.



## JOINT RESOLUTION

Providing for binding in muslin the report of the secretary of state for 1876.

*Resolved by the General Assembly of the State of Ohio, That the superintendent of public printing be directed to have the report of the secretary of state, authorized by law, bound in muslin.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 24, 1877.

## JOINT RESOLUTION

Providing for the sale of old furniture and carpets, now in the possession of the adjutant general, and belonging to the state.

WHEREAS, The adjutant general has in his possession a lot of old furniture and carpets, which were at one time in use by the state, and now of no use to the state; therefore, be it

*Resolved by the General Assembly of the State of Ohio, That the adjutant general be and he is hereby authorized to sell such furniture and carpets at public or private sale, and that he keep a true and accurate account of the items so sold, to whom, and for what price, and pay over the proceeds to the treasurer of state, and that he report the amount of said sales to the state in his annual report next thereafter.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 24, 1877.

## JOINT RESOLUTION

Providing for the binding and distribution of the state library catalogues.

*Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed to have bound in "library" form two hundred and fifty copies of the catalogue of the Ohio state library now in the state bindery; and that the state librarian be and he is hereby directed, on the order of the presiding officer of the senate or house of representatives, to distribute said catalogues as follows: One copy to each member and officer of the sixty-second general assembly; one copy to each minister of the gospel who has officiated as chaplain of either branch of the present legislature by invitation of the presiding officers, or appointment of the ministerial association; the balance to be left in the state library subject to the order of the legislature.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President pro tem. of the Senate.*

Adopted February 24, 1877.

## JOINT RESOLUTION

Directing the auditor of state and attorney-general to adjust the claim of William M. Ampt, Esq., of Cincinnati, provided he complies with certain conditions herein mentioned.

*Resolved by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby directed to immediately demand of William M. Ampt the money in his hands belonging to the state, with interest from the date he received it.

*Resolved,* That in default of said Ampt paying over the moneys mentioned in the foregoing resolutions within a reasonable time after demand, the attorney-general of the state is directed to bring suit to recover the same.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 27, 1877.

## JOINT RESOLUTION

Providing for the binding of additional copies of the debates of the constitutional convention.

WHEREAS, It appears from a communication from the supervisor of state printing and binding, made to this general assembly at its session for 1876, that there are three thousand copies or sets of the debates of the constitutional convention of the years 1873 and 1874 remaining unbound, quite a proportion of which are now ready for binding, and of the first volume all but one thousand, and of the second volume a part, are already bound; and,

WHEREAS, It also appears by said communication that the "volumes unbound are not in a safe condition," and "are exposed to vermin," and that a small amount comparatively will be necessary to complete the work; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing and binding be and he is hereby directed to have bound the remaining unbound copies of the debates of the constitutional convention of 1873 and 1874 aforesaid, in numbers not exceeding sufficient to complete three thousand sets. Said debates when so bound shall be distributed as follows: To each member of said convention ten copies (two volumes each), and to the members of the sixty-second general assembly seven copies (two volumes each); and the remainder to be deposited in charge of the secretary of state, and disposed of as shall be hereafter determined. Copies for members of the convention and of the legislature shall be boxed, and sent to their order by the secretary of state, under the regulations and provisions requiring the distribution to members of the general assembly the reports of the secretary of state.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 27, 1877.

## JOINT RESOLUTION

Awarding damages to H. P. Clough and company.

*Resolved by the General Assembly of the State of Ohio, That the board of trustees for the Columbus insane hospital and the board of trustees of the asylum for idiotic and imbecile youth be and they are hereby directed to certify and pay out of the moneys appropriated for said institutions for construction of drains thereto the sum of five hundred and thirty-seven dollars, damages sustained by H. P. Clough and company by reason of the non-fulfillment of the contract awarded to H. P. Clough and company for work to be done at said institutions. Upon the payment thereof, said Clough shall receipt in full of all claims growing out of non-fulfillment of said contract.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted April 28, 1877.

## JOINT RESOLUTION

Directing the Secretary of State to ship and distribute certain public documents.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to have boxed up the geological survey reports and the statistical reports of the secretary of state to which the members of the general assembly are entitled, and ship the same to the address of the several members respectively; and the secretary of state is hereby directed to prepay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals, and public documents, and to take vouchers for the same.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Passed April 30, 1877.

## JOINT RESOLUTION

Directing the Railroad Commissioner to confer with authorities of other States, with a view to the adoption of an improved system of accounts for railroad corporations.

*Resolved by the General Assembly of the State of Ohio, That the railroad commissioner be and he is hereby instructed to confer with the authorities of other states, as far as practicable, with a view to the adoption of an improved system of accounts for railroad corporations, and that he report his action herein to the next general assembly.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted May 3, 1877.

## JOINT RESOLUTION

Providing for the printing and distribution of the fifth volume of the final report of the Geological Corps of Ohio.

*Resolved by the General Assembly of the State of Ohio,* That there be printed of the fifth volume of the final report of the geological corps of Ohio (being Volume III, Geology) twenty thousand copies, with such maps, plates, and sections as are prepared to illustrate the report; the printing to be in the best style, on good paper, in royal octavo, and bound in muslin; two hundred and fifty copies for the geological corps, two hundred and fifty copies for the geological board, five hundred copies for the state library, and the remaining for the present general assembly, to be divided equally among the members thereof, and sent to them as soon as printed and bound. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of this general assembly, also from the geological corps, geological board, and state librarian, what number of the reports they are entitled to receive they wish in the German language. The aggregate amount so determined shall be the number authorized to be printed in German, and they shall be distributed accordingly. That there shall be deposited in the township library in each county in the state of Ohio one copy of this report, by the member representing the same in this general assembly at the time of their distribution.

*Resolved,* That the joint resolution relative to the printing and distribution thereof, adopted March 30, 1875, be and the same is hereby rescinded.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted May 3, 1877.

## JOINT RESOLUTION

Providing for the removal of insane persons to district hospitals, and for the treatment of the chronic insane.

*Resolved by the General Assembly of the State of Ohio,* That it shall be the duty of the state board of charities, within ninety days after the opening of the Columbus hospital for the insane, to report by name, with so much of the personal history as may be deemed important, of all insane inmates of county infirmaries who shall have been declared insane by inquest of lunacy according to law, to the superintendent of the hospital for the insane in the district in which said county may be located, who is hereby required, as soon thereafter as practicable, to receive said patients without any further proceedings being had: Provided, that in each hospital for the insane fifty beds shall be reserved for the reception of recent cases, at the time this resolution takes effect, and also that of [if] the quotas of such county shall be more than filled by such transfer of these inmates, and the hospital be filled, then such patients whose disease is complicated with epilepsy shall not be transferred.

*Be it further resolved,* That from and after the expiration of said ninety days, it shall not be competent for directors of county or city infirmaries to receive to the care of such institution any insane person whatever,

for any period of time beyond what may reasonably be required to secure the transfer of such insane persons to the state hospital for such district, unless by written permission of the state board of charities, whenever they shall consider it for the best interest of any patient that shall remain in said infirmary.

*Be it further resolved*, That at any time when it shall become necessary for the accommodation of recent cases of insanity (as provided by law) in any state hospital to remove chronic cases therefrom, all such chronic cases shall be sent to the care of the north-western hospital for the insane, under such conditions as have heretofore existed with the commissioners of Lucas county, it being distinctly understood that only such chronic cases are intended that would otherwise go to the county infirmaries, and not those who can be cared for by their friends.

*Be it further resolved*, That in order to carry out the intentions of this resolution, the superintendent of each hospital for the insane shall be required to report to the board of state charities total capacity of the hospital, including the number of rooms for single patients and the number in associated dormitories, at the ratio of one patient to each five hundred (500) cubic feet of space, and also the quota of each county in the district to which said hospital is attached.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Passed May 3, 1877.

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#### JOINT RESOLUTION

Authorizing the board of public works to condemn and appropriate certain lands therein described.

WHEREAS, The lands lying on the west bank of the Great Miami river adjacent to the state dam, near Middletown, and situated in section seven, town one, range five, in Warren county, have been a source of great expense to the state, by reason of overflow in consequence of the location of the dam aforesaid, and an embankment thrown up by the state, which, through high water in the river, is subjected to frequent and disastrous breakages, causing damage to the lands in the vicinity, and subjecting the state to the payment of large sums of money; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the board of public works be and it is hereby authorized to condemn and appropriate so much of the lands described in the foregoing preamble as, in the opinion of the said board, are subject to overflow in consequence of the location of the state dam across the Great Miami river, near Middletown. In the event of a failure on the part of the said board to agree with the owner or owners of the land to be appropriated as to the price to be paid for the same, the said board of public works shall make application by petition to the court of common pleas of Warren county, for appropriation of such lands in accordance with the provisions of existing laws regulating the appropriation of private property by municipal corporations; the jury created in accordance with such laws shall, in addition to fixing the price to be paid for the land to be appropriated, have the power to adjudicate and assess damages, such as the owners of the prop-

erty herein described may have sustained since July 1, 1875, from overflow of or breakages in the levee built by the state, located at the Middletown dam: provided, also that the board of public works shall have power to reject any or all of the propositions made by the jury. In case of a refusal on the part of the board of public works to accept any of the propositions, either to accept the land at the price fixed by the jury, or approve the amount of damages assessed, the owner or owners of such property shall be entitled to receive such sum as expense attending such proceedings as in the opinion of the court they may be entitled to. The board of public works shall have power to sell and convey all lands appropriated in accordance with this resolution: provided, that the conditions of such sales shall be such as to forever indemnify the state against all future loss which may be caused by reasons of the overflow of water from the Great Miami river, or any other stream flowing into the same; and all cost arising from an appropriation of land in accordance with the provisions of this resolution, shall be borne by the state, and all proceeds derived from the sale of such lands shall be paid by the board of public works in the treasury of the state.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
H. W. CURTISS,  
*President of the Senate.*

Adopted May 4, 1877.

#### JOINT RESOLUTION

Providing for the payment of the claim of Bomm & Field, contractors for the cut stone-work of the Ohio institution for the blind.

WHEREAS, Joseph Bomm and Timothy Field, partners doing business under the firm name of Bomm & Field, were contractors for the furnishing of the materials and doing the cut stone-work for the new building of the Ohio institution for the blind; and,

WHEREAS, In consequence of certain unavoidable mistakes made by them on the estimate of said cut stone-work, they agreed to furnish said materials and do said work for the sum of twenty-three thousand two hundred and forty-nine dollars, which sum proved to be less by several thousand dollars than the said materials and work were actually worth upon the basis of the said Bomm and Field's estimate, which estimate was one-fourth less than the actual work required to be done; and

WHEREAS, Said Bomm & Field after the discovery of said mistakes, which occurred after the closing of the contract with the trustees, for the above specified sum, did go on and faithfully complete said contract to the full satisfaction of the officers of the state charged with the supervision of said work, and thereby lost the sum of nine thousand dollars; and,

WHEREAS, In the opinion of the officers of the state having the construction of said building in charge, said Bomm & Field are justly entitled to relief, which, under the law could not be given; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That said Bomm & Field be allowed the sum of three thousand eight hundred dollars in addition to the sum already received by them for said work, the same to

be in full satisfaction of all claims growing out of the contract of said parties with the state: provided, that one-half of said amount be paid to said Bomm, and one-half to the widow of said Field.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 4, 1877.

#### JOINT RESOLUTION

Fixing the time for final adjournment.

*Resolved by the General Assembly of the State of Ohio, That this general assembly adjourn sine die, on Monday, May 7, 1877, at 8½ o'clock A.M.*

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 5, 1877.

#### JOINT RESOLUTION

Memorial asking congress to make appropriations for the improvement of the rivers and harbors in the Mississippi valley.

WHEREAS, The Mississippi valley has heretofore received from the general government but meager appropriations for the improvement of its rivers and harbors; and,

WHEREAS, The Mississippi valley and its slopes produce the great bulk of the agricultural surplus of the country, and the producing class of our people here have been and still are compelled to ship the products of their industries to tide-water over expensive lines of railways, at a cost of 20 per centum of the gross value of such products, a tribute they can ill afford to pay monopolists, and from which they of right ought to be protected by the general government; and,

WHEREAS, If the navigation of the Mississippi river and its tributaries should be improved by the judicious expenditure of liberal appropriations made by congress, our surplus products could reach tide-water, by way of New Orleans, at a cost of six per centum of their gross value, saving to the western producers fourteen per centum of the gross value of the products of their industries, which they would lose if compelled to reach tide-water through unnatural channels; and,

WHEREAS, By means of the first liberal appropriation made by congress for the removal of obstructions to the navigation of these western rivers, the mouth of the Mississippi has been successfully opened to commerce, but the benefits resulting from the consummation of this great enterprise can only be partially enjoyed by the inhabitants of the slopes and valleys of the Mississippi unless their means of egress be facilitated by improving the navigation of these western rivers; and,

WHEREAS, By judiciously expended appropriations commensurable with the benefits which would result therefrom, the channel of the Mississippi river, between the mouth of the Missouri river and the Gulf of Mexico, might be shortened nearly two hundred miles, by which, together

with the removal of the bars which retard the velocity of the current this great stream might be subdued, and the immense adjacent territories of productiveness, now worthless from annual inundations and resulting malaria, might be reclaimed and utilized; therefore be it

*Resolved by the General Assembly of the State of Ohio,* That the congress of the United States be and is hereby memorialized to make just, liberal and sufficient appropriations for the permanent improvement of the navigation of the Mississippi river and its tributaries and their harbors; and in the expenditure of any money which may be so appropriated, and in all contracts for such river and harbor improvements that congress adopt like rules and stipulations as in the contract with captain Eads, by the act of congress, approved March 23, 1875.

*Resolved,* That this memorial and these resolutions be transmitted through the proper channels to the senate and house of representatives of the United States.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted May 5, 1877.

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#### JOINT RESOLUTION

Directing the board of state charities to examine into the systems of prison and work-house reforms, and report thereon to the next general assembly.

WHEREAS, The penitentiary of the state is at present greatly overcrowded, many of the county jails also filled beyond their capacity, and others totally unfit for use, and,

WHEREAS, Vagrancy and crime prevail in many communities for want of proper places and methods of punishment, indicating a demand, if not a defect in the prison system of the state, therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the subject of necessary reforms in the prison system of the state be especially commended to the attention of the board of state charities, and that the said board be directed to examine into the practicability of district prisons or work-houses, under control of the state, for punishment of misdemeanants and minor offenses, and report plans therefor to the next general assembly.

C. H. GROSVENOR,

*Speaker of the House of Representatives.*

H. W. CURTISS,

*President of the Senate.*

Adopted May 5, 1877.

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#### JOINT RESOLUTION

Authorizing the trustees of the Athens hospital for the insane to do certain grading.

*Resolved by the General Assembly of the State of Ohio,* That the trustees of the Athens hospital for the insane be and they are hereby authorized and directed, if in their opinion the amount appropriated for current ex-



penses to said hospital will be sufficient for the year, to expend three thousand dollars of said fund in doing the necessary grading and paving for said institution.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 7, 1877.

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#### JOINT RESOLUTION

Providing for the renumbering of certain laws.

WHEREAS, It appears that in printing the laws passed at the present session, the volume is incorrectly numbered; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing is hereby directed to inquire as to the numbering of the volume of laws passed at the present session of the general assembly, and, if the same shall be incorrect, that he cause the same to be corrected before publication of the bound volume.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 7, 1877.

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#### JOINT RESOLUTION

Providing for the care and control of a certain tract of land belonging to the state.

*Resolved by the General Assembly of the State of Ohio,* That so much of the tract of land in Franklin county, Ohio, purchased by the state for a quarry, as lies south of the Columbus and Xenia railroad be placed under the control and management of the trustees of the Columbus hospital for the insane, and the residue of said tract shall be placed under the control and management of the directors and warden of the penitentiary.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 7, 1877.

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#### JOINT RESOLUTION

Relative to republishing the amendment to the constitution adopted on the second Tuesday of October, 1875.

WHEREAS, An error has occurred in the publication of the amendment to the constitution of this state relative to the judiciary, proposed March 30, 1875, and adopted on the second Tuesday of October, 1875: therefore,  
*Resolved by the General Assembly of the State of Ohio,* That the secretary of

state be and he is hereby directed to cause said amendment to be correctly published in the next volume of the laws, as adopted, and enrolled in his office.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

Adopted May 7, 1877.

#### AN ACT

To authorize the trustees of Greene township, Hocking county, to levy a special tax for the relief of Nicholas Blancet.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the trustees of Green township, Hocking county, Ohio, are hereby authorized to levy an additional tax for the purpose of paying for labor performed by Nicholas Blancet on county road, the amount of three hundred (300) dollars, with interest from February 8, 1868: Provided, that the trustees shall first submit the question of tax for the above named purpose to the qualified voters of the township at their next election.*

SEC. 2. This act shall take effect from and after its passage.

C. H. GROSVENOR,  
*Speaker of the House of Representatives.*  
 H. W. CURTISS,  
*President of the Senate.*

\*Passed April 11, 1876.

\*NOTE.—Omitted from volume of laws of 1876, and directed to be printed in volume of 1877 by joint resolution of the general assembly, adopted February 22, 1877.

#### JOINT RESOLUTION

Relative to an amendment of article four of the constitution relating to the judiciary.

*Resolved by the General Assembly of the State of Ohio, (three-fifths of the members elected to each house agreeing thereto,) that it be and is hereby proposed to the electors of this state to vote, at the next annual October election, upon the approval or rejection of the following amendment, as additional section to article four of the constitution of the state of Ohio, to wit:*

Section 22. A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission, and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court, and the members of said commission shall receive a like compensation for th

time being, with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered and enforced as the judgments of the supreme court, and at the expiration of said commission, all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session, and if the senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction and duties; provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years. If this amendment shall be adopted by a majority of the electors of the state of Ohio, voting at the next election holden for the election of senators and representatives, it shall become section twenty-two of the fourth article of the constitution of the state of Ohio.

At such election the voters desiring to vote in favor of the adoption of this amendment, shall place upon their ballots the words "For the commission." The voters who do not favor the adoption of such amendment, shall place upon their ballots the words, "Against the commission."

MILTON McCOY,

*Speaker pro tem. of the House of Representatives.*

ALPHONSO HART,

*President of the Senate.*

\* Adopted March 30, 1875.

\* NOTE.—Reprinted in accordance with joint resolution of the General Assembly adopted May 7, 1877.

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OFFICE OF THE SECRETARY OF STATE,  
COLUMBUS, OHIO, July 18, 1877.

I hereby certify that the foregoing General and Local Laws, and Joint Resolutions, are correctly copied from the original rolls on file in this office.

MILTON BARNES,  
*Secretary of State.*

#### FIRST AMENDMENT

To the Constitution, adopted by a vote of the people on the 12th day of October, 1875,  
as an additional section to

#### ARTICLE IV.

Section 22. [21.] A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered and enforced as the judgments of the supreme court, and at the expiration of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session; and if the senate be not in session, by the governor; but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction and duties: provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.\*

\* NOTE.—Reprinted in accordance with a joint resolution of the General Assembly adopted May 7, 1877.

## JUDGES OF THE COURT OF COMMON PLEAS—1876-1877.

District.	Sub-div.	Counties.	Names and Post-offices.	TERM.	
				Commenced.	Expires.
1	{	Hamilton ....	William L. Avery, Cincinnati..	Feb. 12, 1877	Feb. 12, 1883
			* Joseph Cox, " ..	Feb. 12, 1877	Feb. 12, 1883
			Nicholas Longworth, " ..	Feb. 12, 1877	Feb. 12, 1883
			Robert A. Johnston, " ..	Nov. 6, 1876	Nov. 6, 1881
			Jacob Burnet, " ..	Nov. 6, 1876	Nov. 6, 1881
2	{	Butler .....	Alex. F. Hume, Hamilton ....	Feb. 12, 1877	Feb. 12, 1883
		Preble .....	Henderson Elliott, Dayton.....	Nov. 6, 1876	Nov. 6, 1881
		Montgomery .....	David L. Meeker, Greenville ..	May 11, 1873	May 13, 1878
		Darke .....			
2	{	Champaign .....	Geo. D. Burgess, Troy .....	Feb. 12, 1877	Feb. 12, 1883
		Miami .....			
2	{	Warren .....	James M. Smith, Lebanon.....	Feb. 12, 1877	Feb. 12, 1883
		Clinton .....	Azariah W. Doan, Wilmington	April 12, 1875	April 12, 1880
		Greene .....	Moses Barlow, Xenia .....	Feb. 9, 1874	Feb. 9, 1879
		Clarke .....	James S. Goode, Springfield...	April 12, 1875	April 12, 1880
2	{	Logan .....	John L. Porter, Marysville ....	Feb. 12, 1877	Feb. 12, 1883
		Union .....			
		Hardin .....			
2	{	Shelby .....	Edward M. Phelps, St. Mary's.	May 10, 1874	May 10, 1879
		Auglaize .....	James McKenzie, Lima .....	Feb. 9, 1874	Feb. 9, 1879
		Allen .....			
		Mercer .....			
		Van Wert .....			
		Putnam .....			
3	{	Paulding .....	Selwyn N. Owen, Bryan .....	Feb. 12, 1877	Feb. 12, 1883
		Defiance .....			
		Williams .....			
		Fulton .....			
		Henry .....			
3	{	Seneca .....	James Pillars, Tiffin .....	May 4, 1873	May 4, 1878
		Hancock .....	Thomas Beers, Bucyrus .....	Feb. 12, 1877	Feb. 12, 1883
		Wyandot .....			
		Crawford .....			
		Marion .....			
		Wood .....			
4	{	Lucas .....	Thomas P. Finefrock, Fremont.	Oct. 28, 1874	Oct. 24, 1879
		Ottawa .....	Reuben C. Lemmon, Toledo...	Oct. 24, 1874	Feb. 9, 1880
		Sandusky .....	Cooper K. Watson, Sandusky..	Feb. 12, 1877	Feb. 12, 1883
		Erie .....	Birdseye W. Rouse, Toledo....	May —, 1876	May —, 1881
		Huron .....			
4	{	Lorain .....	Newell D. Tibballs, Akron ....	May 1, 1876	May 1, 1881
		Medina .....	John C. Hale, Elyria .....	Feb. 12, 1877	Feb. 12, 1883
		Summit .....			
4	{	Cuyahoga ...	Darius Cadwell, Cleveland....	Feb. 9, 1874	Feb. 9, 1879
			Jesse H. McMath, " .....	Nov. 1, 1875	Nov. 1, 1880
			James M. Jones, " .....	Nov. 1, 1875	Nov. 1, 1880
			Edwin T. Hamilton, " .....	Nov. 1, 1875	Nov. 1, 1880
			Gershom M. Barber, " .....	Nov. 1, 1875	Nov. 1, 1880
			Samuel B. Prentiss, " .....	Feb. 12, 1877	Feb. 12, 1883
5	{	Clermont .....	Allen T. Cowen, Batavia.....	Oct. —, 1876	Feb. 12, 1877
		Brown .....	David Tarbill, Georgetown....	Feb. 12, 1877	Feb. 12, 1883
		Adams .....			

\*Commission dated March 30, 1877, after contest in Senate with Judson Harmon.

## COMMON PLEAS JUDGES—Continued.

District.	Sub div.	Counties.	Names and Post-offices.	TERM.	
				Commenced.	Expires.
5	2	Ross .....	{ Thad. A. Minshall, Chillicothe. Samuel F. Steel, Hillsborough.	Oct. —, 1876	Feb. 12, 1879
		Highland .....		Feb. 12, 1877	Feb. 12, 1882
		Fayette .....			
5	3	Franklin ....	{ Ed. F. Bingham, Columbus ... John L. Green, Columbus .....	May 11, 1877	May 13, 1878
				Feb. 12, 1877	Feb. 12, 1882
5	4	Pickaway .....	{ S. W. Courtwright, Circleville...	May 3, 1875	May 3, 1880
		Madison .....			
6	1	Licking .....	{ Samuel M. Hunter, Newark .... John Adams, Mt. Vernon .....	Feb. 12, 1877	Feb. 12, 1882
		Knox .....		Feb. 12, 1877	Feb. 12, 1882
		Delaware .....			
6	2	Morrow .....	{ Moses R. Dickey, Mansfield .... Thomas J. Kenney, Ashland ...	Feb. 12, 1877	Feb. 12, 1882
		Richland .....		Sept. 12, 1874	Feb. 10, 1879
		Ashland .....			
6	3	Wayne .....	{ Chas. C. Parsons, Sr., Wooster..	Feb. 12, 1877	Feb. 12, 1882
		Holmes .....			
		Coshocton ...			
7	1	Fairfield ....	{ Silas H. Wright, Lancaster ....	Feb. 12, 1877	Feb. 12, 1882
		Perry .....			
		Hocking ....			
7	2	Jackson .....	{ Porter Du Hadway, Jackson .. J. J. Harper, Portsmouth .....	Feb. 9, 1874	Feb. 9, 1879
		Vinton .....		Feb. 12, 1877	Feb. 12, 1882
		Pike .....			
7	3	Scioto .....	{ Samuel F. Knowles, Marietta.. Jos. P. Bradbury, Pomeroy ....	Oct. 25, 1875	Feb. 12, 1878
		Lawrence .....		Feb. 12, 1877	Feb. 12, 1882
8	1	Gallia .....	{ William H. Frazier, Caldwell.. Lucius P. Marsh, Zanesville ...	Feb. 12, 1877	Feb. 12, 1882
		Meigs .....		Aug. 3, 1874	Aug. 3, 1879
		Athens .....			
8	2	Washington ..	{ William Okey, Woodafield.....	Feb. 12, 1877	Feb. 12, 1882
8	3	Muskingum..	{ J. Patrick, Jr., New Philadelphia	Feb. 12, 1877	Feb. 12, 1882
		Morgan .....			
		Noble .....			
9	1	Guernsey ....	{ Seraphim Meyer, Canton .....	Feb. 12, 1877	Feb. 12, 1882
9	2	Belmont .....	{ * Ezra B. Taylor, Warren .....	Feb. 12, 1877	Feb. 12, 1882
		Monroe .....		Feb. 9, 1874	Feb. 10, 1879
9	3	Jefferson ....	{ Laban S. Sherman, Ashtabula.. H. B. Woodbury, Jefferson ....	Feb. 12, 1877	Feb. 12, 1882
		Harrison .....		Jan. 25, 1876	Jan. 25, 1881
		Tuscarawas..			
9	4	Stark .....	{ Peter A. Lambie, Salem .....	Nov. 1, 1875	Nov. 1, 1880
9	2	Trumbull ....	{ Philo B. Conant, Ravenna ....	Feb. 12, 1877	Feb. 12, 1882
		Portage .....		Feb. 9, 1874	Feb. 10, 1879
		Mahoning ...			
9	3	Geauga .....	{ H. B. Woodbury, Jefferson ....	Feb. 12, 1877	Feb. 12, 1882
		Lake .....		Jan. 25, 1876	Jan. 25, 1881
		Ashtabula ...			
9	4	Carroll .....	{ Peter A. Lambie, Salem .....	Nov. 1, 1875	Nov. 1, 1880
		Columbiana ..			

\* Appointed March 16, 1877, vice F. G. Servis, deceased.

## TIMES FOR HOLDING COURTS IN OHIO IN 1877.

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### FIRST DISTRICT.

#### *District Court.*

Hamilton, April 2, October 1.

#### *Common Pleas.*

Hamilton, January 2, June 4, November 5.

### SECOND DISTRICT.

#### *District Court.*

Butler, April 9; Champaign, April 20; Clarke, April 30; Clinton, April 9; Darke, April 23; Greene, April 23; Miami, April 30; Montgomery, April 16; Preble, May 7; Warren, April 12.

#### *Common Pleas.*

Butler, January 8, May 14, October 15.  
Champaign, February 12, June 11, November 26.  
Clarke, January 8, May 14, October 12.  
Clinton, January 8, May 14, October 15.  
Darke, January 8, May 14, October 15.  
Greene, January 8, May 14, October 15.  
Miami, January 8, May 14, October 15.  
Montgomery, January 8, May 14, October 15.  
Preble, March 5, June 11, November 26.  
Warren, January 8, May 14, October 15.

### THIRD DISTRICT.

#### *District Court.*

Allen, July 30; Auglaize, July 20; Crawford, April 4; Defiance, March 28; Fulton, March 21; Hardin, July 16; Hancock, April 9; Henry, March 27; Logan, July 12; Marion, April 6; Mercer, July 23; Paulding, March 30; Putnam, July 25; Seneca, April 12; Shelby, July 18; Union, July 9; Van Wert, July 27; Williams, March 20; Wood, March 23; Wyandot, April 2.

#### *Common Pleas.*

Allen, February 19, May 14, October 29.  
Auglaize, January 2, April 30, October 15.  
Crawford, February 12, June 11, October 29.  
Defiance, February 20, May 1, October 10.  
Fulton, March 5, May 28, November 5.  
Hardin, March 6, May 22, October 16.  
Hancock, January 29, May 28, October 1.  
Henry, February 27, May 15, October 23.  
Logan, April 3, June 12, November 6.  
Marion, January 23, May 22, October 2.  
Mercer, February 12, May 28, December 3.  
Paulding, February 13, April 17, September 25.  
Putnam, January 8, April 16, September 10.  
Seneca, February 19, June 11, October 22.

Shelby, January 29, April 30, October 1.  
 Union, February 12, April 30, September 17.  
 Van Wert, January 15, May 14, October 29.  
 Williams, March 12, June 11, November 19.  
 Wood, January 9, May 8, September 11.  
 Wyandot, January 8, May 7, September 10.

#### FOURTH DISTRICT.

##### *District Court.*

Erie, April 12; Huron, April 23; Lucas, April 9; Sandusky, April 2; Ottawa, April 30; Lorain, April 15; Medina, April 16; Summit, April 2; Cuyahoga, April 2, September 3.

##### *Common Pleas.*

Erie, January 29, May 21, October 22.  
 Huron, February 5, May 14, November 12.  
 Lucas, January 15, April 30, October 15.  
 Sandusky, January 2, March 5, October 8.  
 Ottawa, January 2, May 7, October 1.  
 Lorain, January 29, May 21, October 15.  
 Medina, January 8, May 1, September 24.  
 Summit, January 15, May 7, October 15.  
 Cuyahoga, January 1, March 5, May 7, September 3, November 5.

#### FIFTH DISTRICT.

##### *District Court.*

Adams, September 4; Clermont, September 17; Brown, September 8; Highland, September 21; Ross, September 25; Fayette, April 20; Franklin, April 6; Madison, April 3; Pickaway, April 16.

##### *Common Pleas.*

Adams, January 9, May 1, September 8.  
 Brown, February 20, June 5, November 13.  
 Clermont, January 23, May 15, October 16.  
 Fayette, February 20, June 5, November 13.  
 Franklin, January 9, April 17, September 11.  
 Highland, January 16, May 8, October 16.  
 Madison, January 9, May 1, October 16.  
 Pickaway, February 6, May 20, November 3.  
 Ross, January 30, May 15, October 30.

#### SIXTH DISTRICT.

##### *District Court.*

Ashland, May 21; Coshocton, May 23; Delaware, June 11; Holmes, May 14; Knox, June 18; Licking, June 25; Morrow, June 4; Richland, May 25; Wayne, May 15.

##### *Common Pleas.*

Ashland, March 5, August 20, November 12.  
 Coshocton, February 12, August 6, November 5.  
 Delaware, January 8, April 3, October 15.  
 Holmes, January 22, April 16, October 15.  
 Knox, February 19, May 7, November 19.  
 Licking, February 12, August 13, October 22.  
 Morrow, February 12, April 30, October 15.  
 Richland, March 26, September 3, December 3.  
 Wayne, March 12, September 3, December 3.



## SEVENTH DISTRICT.

*District Court.*

Athens, September 13; Fairfield, September 6; Gallia, April 9; Hocking, September 10; Jackson, September 21; Lawrence, April 12; Meigs, April 5; Perry, September 3; Pike, April 23; Scioto, April 16; Vinton, September 13; Washington, April 2.

*Common Pleas.*

Athens, March 12, May 21, November 12.  
 Fairfield, March 12, June 11, November 26.  
 Gallia, March 5, May 23, September 17.  
 Hocking, February 19, May 21, November 5.  
 Jackson, February 19, May 21, October 10.  
 Lawrence, February 27, May 29, October 23.  
 Meigs, February 12, May 7, October 15.  
 Perry, January 22, April 30, October 15.  
 Pike, March 27, June 19, November 13.  
 Scioto, January 22, April 30, September 24.  
 Vinton, February 5, April 30, September 10.  
 Washington, January 8, April 30, September 10.

## EIGHTH DISTRICT.

*District Court.*

Belmont, April 11; Guernsey, September 10; Harrison, September 4; Jefferson, April 3; Monroe, April 9; Morgan, September 20; Muskingum, September 24; Noble, September 13; Tuscarawas, September 6.

*Common Pleas.*

Belmont, January 15, May 7, October 15.  
 Guernsey, February 20, May 24, November 13.  
 Harrison, March 19, June 18, December 3.  
 Jefferson, February 5, May 7, October 10.  
 Monroe, March 6, June 12, December 4.  
 Morgan, March 6, June 12, October 10.  
 Muskingum, January 8, April 30, November 5.  
 Noble, January 22, May 7, October 15.  
 Tuscarawas, February 26, May 23, November 5.

## NINTH DISTRICT.

*District Court.*

Ashtabula, April 20; Carroll, May 7; Columbiana, May 16; Geauga, May 1; Lake, April 26; Mahoning, April 3; Portage, May 3; Stark, May 10; Trumbull, April 13.

*Common Pleas.*

Ashtabula, January 29, May 21, September 24.  
 Carroll, January 23, May 21, October 15.  
 Columbiana, February 19, June 4, November 5.  
 Geauga, January 29, May 21, September 24.  
 Lake, February 26, June 11, October 22.  
 Mahoning, January 15, May 21, September 10.  
 Portage, January 15, May 7, September 10.  
 Stark, February 12, May 23, September 3.  
 Trumbull, February 12, May 23, October 15.

OFFICE OF THE SECRETARY OF STATE,  
 COLUMBUS, OHIO, July 13, 1877.

I certify the above to be correctly copied from the official lists returned to this office.

[SEAL.]

MILTON BARNES,  
 Secretary of State.

## TABLE OF STATUTES REPEALED.

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A list of the acts and parts of acts repealed by the statutes contained in this volume has been incorporated into the Table of repealed acts and sections published in the Appendix to Volume 73. The Table has been prepared from notes of the Commissioners to Revise the Laws, and subjected to their revision. We are indebted to Trevitt W. Okey, one of their clerks, for the Table. Its importance justifies its insertion at this place.

All the general laws of the State are embraced in Swan & Critchfield's and Swan & Sayler's Statutes, and the volumes from 1869 to 1877, inclusive, being volume 66 to volume 74, inclusive. This Table shows the statutes and parts of statutes therein contained which have been repealed, and where the repealing acts may be found.

With respect to Swan & Critchfield's and Swan & Sayler's Statutes, the Table is so framed as to show at a glance each section repealed. Unless otherwise stated, the sections referred to are the numeral figures—those in parentheses if they are employed—and not the numeral letters. The sections on each page that have been repealed are given, and unless otherwise noted (as 1 S. & C., 546, section VI, repealed by S. & S., 340) the whole section is repealed. Thus, S. & S., 490, section 1, is cited as repealed by 72 v. 62; but there section (1), in numeral figures, embraces sections I and II in numeral letters, and 72 v. 62 repeals both sections.

the sections on a page are separated by a comma or commas, only the sections expressly named are repealed. If several consecutive sections on a page are repealed, only the first and last sections are given, separated by a dash. Although a section may extend to another or other pages, only the first page is given. Thus on page 14 of Swan & Sayler, sections (28), (29), and (30) occur, the latter section extending to page 15. The repeal of the three sections, which constitute the whole of both acts, is thus noted in the Table: Swan & Sayler, page 14, sections 28—30, Animals, Repealed, 71 v. 149.

Of the volumes, (66 to 74, inclusive,) subsequent to Swan & Sayler, where the sections repealed are not given, the whole act is repealed.

Where a statute or section is cited as repealed by another statute, it will be found in general that the repeal was effected directly by the act


mentioned; but in some instances, where the repeal is effected by a statute, passed prior to 1868, which does not appear in Swan & Critchfield's or Swan & Sayler's Statutes, the reference is made to S. & C., or S. & S., or to a subsequent volume. In all such cases, the reference affords ready means of finding the first repeal.

Where the repealing statute has been repealed, a reference to the statute now in force has in general been inserted in parentheses. Sometimes references to other statutes are also thus included, so as to facilitate examination as to the changes in a section or provision, or as to supplementary legislation.

An earnest effort has been made to present a correct and full Table of the acts and parts of acts which have been repealed, whether the repeal has been express or by implication; but, in a few instances, an inquiry is suggested, and each one is left to determine for himself the extent of the repeal. How far 68 v. 45, section 1, is repealed by 72 v. 40, is an example. Notwithstanding this effort, it is scarcely to be expected that every slight modification or repeal by implication has been noted.

When acts or sections are superseded, they are referred to as repealed. No reference is made to any act or part of an act as being temporary or obsolete, as its condition in that respect will appear on its face.

The suggestion is made, that with this Table before him, any person can readily mark or cross out the statutes and parts of statutes, in his copy of the laws, which have been repealed, noting in the margin the place of repeal. In this way the present condition of the law upon any subject can be more readily and satisfactorily ascertained.

 THE LEFT HAND COLUMN IS THE *repealed*, THE RIGHT THE *repealing act or section*.

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